

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

HEARD BEFORE THE HONORABLE WILLIAM E. SMITH
DISTRICT JUDGE
(Jury Trial)

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14 NOVEMBER 2012 -- 9:00 A.M.

(Proceedings in the presence of the jury as follows:)

THE COURT: Good morning, ladies and gentlemen. Welcome back. I think we have solved the technical difficulties that we had yesterday, and we have three backup plans just in case so I think we should not have any further difficulties.

So I think counsel are ready and unless there is anything else, we're ready to proceed with the playing of the last portion of the video deposition of Mr. Wiley.

Are we ready to play it? I think play it from the beginning of this DVD.

MR. LEPIZZERA: That's what we agreed, your Honor.

THE COURT: Okay. Let's do that.

(Video deposition of Mr. Wiley played.)

THE COURT: We're going to try those backup plans, ladies and gentlemen.

So what's going to happen, ladies and gentlemen, is we're going to play the video, the remainder of the deposition from the laptop, which means instead of displaying on this screen, it's going to display on the screen you have in the jury box. Because we can't

1 display exhibits now, we have exhibits prepared in
2 those folders for you so you can refer to them when
3 they're referred to by the attorneys and the witness.

4 (Video deposition of Mr. Wiley played.)

5 THE COURT: That completes the videotaped
6 deposition of Mr. Wiley. We're now going to remove
7 that screen from the witness box and the Government is
8 prepared to call its next witness, I believe.

9 MR. VILKER: Yes, your Honor. The Government
10 calls Edwin Rodriguez to the stand.

11 THE COURT: Good morning, Mr. Rodriguez.

12 THE WITNESS: Good morning.

13 THE COURT: I just want you to know that we're
14 going to have you sworn in and Mr. Vilker is going to
15 proceed with asking you questions. But if at any time
16 you need to take a break, you just let me know, just
17 give me the hand signal or just tell me, and we'll make
18 accommodation for whatever you need. All right?

19 THE WITNESS: Okay. Thank you, your Honor.

20 THE COURT: Okay. The clerk will swear you now.

21 EDWIN RODRIGUEZ, first having been duly sworn,
22 testified as follows:

23 THE CLERK: Please state your name and spell
24 your last name for the record.

25 THE WITNESS: Edwin Rodriguez,

1 R-O-D-R-I-G-U-E-Z.

2 **DIRECT EXAMINATION BY MR. VILKER**

3 Q. Good morning, Mr. Rodriguez.

4 A. Good morning.

5 Q. Mr. Rodriguez, how old are you now?

6 A. I'm 35.

7 Q. And what city do you currently live in?

8 A. Warwick.

9 Q. Do you have any children?

10 A. Yes. One daughter.

11 Q. And how old is your daughter?

12 A. She's right now 19.

13 Q. Nineteen? Okay. And are you suffering from a
14 condition known as osteomyelitis?

15 A. Yes, I am.

16 Q. Can you just explain to the jury what
17 osteomyelitis is.

18 A. Osteomyelitis eats the bone little by little until
19 it hits your spine and it kills you.

20 Q. For how long have you had this disorder?

21 A. This one has been almost about -- almost five
22 years, almost, since 2007. But I have a new one in
23 this side that they found out on December last year.

24 Q. The osteomyelitis has spread to a different
25 location?

1 A. Yes. In the other side, in the left side now.

2 Q. Was there an event in the 1990's that triggered
3 some health problems for you?

4 A. Yes. What happened to me, the accident.

5 Q. Okay. Was there a time that you were shot?

6 A. Yes. I was carjacked and shot.

7 Q. And that happened here in Providence?

8 A. Yes. On Eddy Street, Providence.

9 Q. And did that lead to the osteomyelitis?

10 A. No, that led to me being paralyzed.

11 Q. And the osteomyelitis developed afterwards?

12 A. Yes.

13 Q. Now, have you been given any kind of prognosis by
14 any doctors as to how long you have to live?

15 A. In the beginning, it was full-blown. It goes
16 around your whole body. So they gave me six months,
17 three years. And I was in hospice for a while. And I
18 did almost pass, and they brought me back and then they
19 gave me a lot of medicine. And it contains it, but it
20 keeps eating you little by little, the bone. So I
21 don't have a hip. It's in the pelvis.

22 Q. So as of now, you don't have a definite prognosis?
23 Hopefully, you can continue on for much longer?

24 A. They don't know if it's going to happen tomorrow.
25 It could happen whenever.

1 Q. Did you just a couple of months ago have to go
2 back for more surgery?

3 A. Yes.

4 Q. What happened then?

5 A. It was for -- because it's so much pain that they
6 wanted to open my spine. They opened my spine to take
7 out -- spread the nerves, so I won't feel no pain. But
8 it didn't work.

9 Q. Okay. And did you recently have a fall in which
10 you broke a bone?

11 A. Yes, I did.

12 Q. That was your leg that was broken?

13 A. Yes. The left.

14 Q. Are you on medications now to help you with the
15 pain?

16 A. Just -- yes. I'm on medication.

17 Q. What kind of medications are you on?

18 A. Right now I'm just on oxycodone.

19 Q. Does that medication affect your ability to
20 understand what I'm asking you or to understand what's
21 going on today?

22 A. No.

23 Q. Now, I want to direct your attention to the early
24 part of 2008. During this period, were you under the
25 care of hospice?

1 A. Yes. But I was at home.

2 Q. Okay. And there was a -- was there a hospice
3 social worker who was assigned to help take care of
4 you?

5 A. Yes.

6 Q. Do you remember her name?

7 A. Joanie Fortin.

8 Q. What kind of things did Joanie do to help take
9 care of you?

10 A. She just advocated and did everything, like she'd
11 bring papers, anything that I needed.

12 Q. Now, did there come a time in the beginning of
13 2008 in which Ms. Fortin said something to you about
14 some kind of way in which you may be able to get money?

15 A. Yeah. It was two persons. It was somebody else,
16 I don't remember the name, but her and Joanie Fortin,
17 they said somebody is being real generous for people
18 that are dying and they're giving some money to help
19 you out when you die.

20 Q. Did she say anything about what you might have to
21 do in order to receive this money?

22 A. No. I just asked what is it about and they just
23 told me that they just giving -- he was generous and
24 he's giving money.

25 Q. And what was your financial situation like at that

1 time?

2 A. I was in pain. That's about it. But I was okay.

3 Q. I asked -- did you have any money or savings at
4 that time?

5 A. No. No.

6 Q. So this was -- you were in need of some financial
7 assistance, too?

8 A. Yeah. I get SSI, I mean, but that's about it.

9 Q. Now, when Ms. Fortin first mentioned this to you,
10 how did you respond?

11 A. I said, Okay, that's fine with me.

12 Q. And did this lead to some kind of meeting taking
13 place between you and somebody from this organization
14 that was helping people?

15 A. Yes.

16 Q. Okay. And about -- if you can remember, how much
17 longer after the conversation that you had with
18 Ms. Fortin did this meeting take place?

19 A. I believe it was like a month or two.

20 Q. And who from this organization came to meet with
21 you?

22 A. What's his name? I'm sorry.

23 Q. Does the name Raymour sound familiar to you?

24 A. Yes. I'm sorry. Raymour.

25 Q. Did you know his last name at all?

1 A. No. I just remember Raymour. That's about it.

2 Q. He introduced himself to you as Raymour?

3 A. He said his last name, too, but I forgot.

4 Q. Because you knew him as Raymour, I'm just going to
5 refer to him in these questions as Raymour.

6 A. Yes.

7 Q. Did you proceed to have some meeting with Raymour?

8 A. Yes.

9 Q. How many meetings do you recall having with
10 Raymour?

11 A. He came to the house once, and he explained some
12 things and to sign some papers.

13 Q. Before talking about what he said --

14 THE COURT: Just hold on for one minute.

15 Are you all right, ma'am? Do you need a break?
16 Let's take a time out.

17 Charlie, could you escort the juror out, please.

18 I'm going to send you into the jury room, ladies
19 and gentlemen. Let's sort of take a break.

20 (Proceedings out of the presence of the jury as
21 follows:)

22 THE COURT: Mr. Rodriguez, we're just going to
23 take a very short, five-minute break. Do you need a
24 break?

25 THE WITNESS: No, I'm fine. Thank you.

1 THE COURT: Okay. Well, if you want to step out
2 for a minute, you can certainly do that. Okay?

3 THE WITNESS: Okay.

4 THE COURT: Whatever you need.

5 THE WITNESS: All right. I could stay here
6 or --

7 THE COURT: It's whatever you like.

8 THE WITNESS: Well, I'd rather just stay right
9 here.

10 THE COURT: You rather stay there?

11 THE WITNESS: Yeah, that's fine. Thank you.

12 THE COURT: If you do want to step out, that's
13 fine.

14 THE WITNESS: Okay. Thank you, your Honor.

15 THE COURT: We'll reconvene in just five minutes
16 or less.

17 (Recess.)

18 (Proceedings in the presence of the jury as
19 follows:)

20 THE COURT: Okay. Everybody's good? It's going
21 to be a long ride together, ladies and gentlemen. We
22 have to be flexible. Things happen and so no worries.
23 All right.

24 Are we ready to proceed?

25 MR. VILKER: Yes, your Honor.

1 THE COURT: Go ahead, Mr. Vilker.

2 Q. Mr. Rodriguez, before our break, I was asking you
3 about the first time that you met with Raymour. Do you
4 recall where that meeting took place?

5 A. I believe it was at my house.

6 Q. Could you speak just a little closer to the
7 microphone.

8 A. It was in my house.

9 Q. Who was there during this meeting?

10 A. My brother was there living with me and his wife.

11 Q. What's your brother's name?

12 A. Melvin Rodriguez.

13 Q. And what's his wife's name?

14 A. Amy Rodriguez.

15 Q. So it was the four of you, you, Raymour, your
16 brother and your brother's wife?

17 A. Yes.

18 Q. Now, what, if anything, do you recall Raymour
19 saying during that meeting about the individual he was
20 working for?

21 A. He just said that they're giving money, generous
22 to people that are going to pass to help them out a
23 little.

24 Q. And was there a specific dollar amount that was
25 discussed during that first meeting?

1 A. Dollar amount?

2 Q. Yeah. How much money?

3 A. No. No. It wasn't.

4 Q. What was your understanding of what, if anything,
5 you would need to do in order to get this money?

6 A. Nothing. Just said it was just generous because
7 I'm passing away.

8 Q. Now, during that first meeting that you had with
9 Raymour, did he give you any money that day?

10 A. No. Not that day.

11 Q. Did you, subsequent to that first meeting, get a
12 check from them?

13 A. Yes. I got a check after for \$2,000.

14 Q. And during that meeting, did Raymour give you any
15 documents that you needed to sign?

16 A. Yes. I had to sign some papers.

17 Q. What did he say these documents were?

18 A. They were just to say that he gave me the money to
19 help me out for the guy that he was working for.

20 Q. And did you sign the documents that he gave you?

21 A. Yes, I did.

22 Q. Did you spend time going through and reading these
23 documents?

24 A. No. He explained to me it's just so he could know
25 that he gave me the money and just fill out the paper,

1 to sign papers. Just told me where to sign.

2 Q. And did he read through any of these documents for
3 you?

4 A. No.

5 Q. So what did he say when he gave you these
6 documents to sign?

7 A. He just said that it was for -- to see that they
8 gave me the money and that probably they're going to
9 pay the funeral, if I pass.

10 Q. Now, you said your brother, Melvin, was there?

11 A. Yes.

12 Q. Did he review any of these documents?

13 A. Yes, he was there, but I just signed them. We
14 didn't review nothing.

15 Q. So he didn't look at the documents either?

16 A. No. No, he didn't.

17 Q. What about his wife, Amy, did she review any of
18 these documents?

19 A. No.

20 Q. Now, after you signed these documents, did Raymour
21 provide you with any copies of the documents that you
22 signed?

23 A. No, I never got copies.

24 Q. Do you have in your possession copies of any of
25 the documents you signed that day?

1 A. No.

2 MR. VILKER: Now, I want to bring up and show
3 you, it should appear in front on the screen,
4 Government Exhibit 970, which I would move full and ask
5 that be published to the jury.

6 THE COURT: Is there any objection to Exhibit
7 970?

8 MR. LEPIZZERA: No objection.

9 MR. RADHAKRISHNAN: No objection, your Honor.
10 Thank you.

11 THE COURT: 970 will be full without objection.
12 You may publish it.

13 (Government Exhibit 970 admitted in full.)

14 Q. Mr. Rodriguez, this document is titled "Terminal
15 Illness Philanthropy Account Receipt," and it indicates
16 on that -- it's dated at the bottom, February 26th,
17 2008.

18 Does that appear to be about the time period
19 that you first met with Raymour?

20 A. Yes. It was around there.

21 Q. And you see the signature of Melvin Rodriguez with
22 "brother" at the bottom?

23 A. Yes.

24 Q. Did your brother sign that form that day?

25 A. I don't know if he signed it or not. I can't tell

1 you that. I didn't see him sign it so --

2 Q. If you know, does it appear to be your brother's
3 handwriting? You're not sure?

4 A. I'm not sure.

5 Q. The first paragraph says that: I, Edwin
6 Rodriguez, acknowledge receipt of \$2,000 from the
7 philanthropic program for the terminally ill account of
8 Estate Planning Resources.

9 And then it goes on to say that you're between
10 19 and 96 years old, that you've been diagnosed with a
11 terminal illness, and you have a life expectancy of
12 three months.

13 Do you remember seeing this form that day when
14 Raymour came?

15 A. No. Not this one.

16 Q. Did he say anything about you needed to sign some
17 document or your brother needed to sign some document
18 as a receipt that you received the money?

19 A. He talked to my brother. Because I was in my room
20 and laying down and my brother was in the living room.

21 MR. VILKER: Now, if we could bring up
22 Government Exhibit 971. I would ask that be admitted
23 in full and published as well.

24 THE COURT: Any objection?

25 MR. LEPIZZERA: No objection.

1 MR. RADHAKRISHNAN: No objection, your Honor.

2 Thank you.

3 THE COURT: 971 will be full. You may publish
4 it.

5 (Government Exhibit 971 admitted in full.)

6 Q. This is a check dated that same date, February 26,
7 2008, written by Joseph Caramadre, and it's for \$2,000.
8 Do you recognize this check?

9 A. Yes.

10 Q. Is this a check that Raymour provided your
11 brother?

12 A. Yes. Because I have no bank account so --

13 Q. That was my question. Did you know why it was
14 written to your brother instead of to you?

15 A. Yes. Because I didn't have a bank account at that
16 time, so he did.

17 Q. Did you see in the memo section how it's written
18 the word "philanthropy." Was it your understanding
19 that this was a gift or charity?

20 A. It was just, yeah, for charity for me.

21 Q. Now, in addition to the document that I already
22 showed you, the terminal illness receipt, you indicated
23 that Raymour provided you with other documents to sign
24 that day?

25 A. Yes.

1 Q. Do you recall approximately how many documents
2 there were?

3 A. There was about, like, five or six, I believe.
4 Something like that. Or more.

5 Q. What do you remember these documents looking like?

6 A. Just a lot of paragraphs and where to sign.
7 That's about it.

8 Q. Did they appear to be completed documents or
9 signature pages?

10 A. No. They were just to read it and sign the paper.

11 Q. I want to show you some of the documents that bear
12 your signature.

13 MR. VILKER: First pull up Exhibit 977.

14 I would ask that that be admitted in full and
15 published, please.

16 THE COURT: Any objection?

17 MR. LEPIZZERA: No objection.

18 MR. RADHAKRISHNAN: No objection, your Honor.

19 Thank you.

20 THE COURT: 977 will be full. You may publish
21 it.

22 (Government Exhibit 977 admitted in full.)

23 Q. Do you recognize your signature at the bottom of
24 this document?

25 A. Yes.

1 Q. And there's an X next to your signature that's
2 circled?
3

4 A. Yes.
5

6 Q. Would this have been how these documents were
7 presented to you by Raymour?
8

9 A. Yes, it was.
10

11 Q. Now, this particular page and the application
12 page, if you can just magnify that fifth bullet point,
13 it's an application page to have an annuity opened at a
14 company called Western Reserve Life.
15

16 Did you read that bullet point when you were
17 signing this document?
18

19 A. No, I never did.
20

21 Q. Did Raymour say anything to you about any
22 annuities being opened in your name?
23

24 A. No.
25

26 Q. Did he say anything to you about a company called
27 Western Reserve Life?
28

29 A. No.
30

31 MR. VILKER: I'd like to show you Exhibit 978
32 and ask that be moved full and published to the jury.
33

34 THE COURT: Any objection?
35

36 MR. LEPIZZERA: No objection.
37

38 MR. RADHAKRISHNAN: No objection, your Honor.
39

40 Thank you.

1 THE COURT: 978 will be full. You may publish
2 it.

3 (Government Exhibit 978 admitted in full.)

4 Q. Do you see your signature on this document?

5 A. Yes, I do.

6 Q. And again, would this have been one of the
7 signature pages that Raymour provided to you to sign?

8 A. Yes.

9 Q. Did you read through any of this fine print before
10 you signed this page?

11 A. No, I did not.

12 Q. Did Raymour read through any of it with you?

13 A. No.

14 Q. This is a form from a company called AXA
15 Equitable. Did Raymour say anything to you about
16 opening some annuity or some other contract with a
17 company called AXA Equitable?

18 A. No, he did not.

19 Q. Did he read through any of this document with you
20 before you signed it?

21 A. No.

22 MR. VILKER: I want to show you now Exhibit 979
23 and ask that it be moved full and published to the
24 jury.

25 THE COURT: Any objection?

1 MR. LEPIZZERA: No objection.

2 MR. RADHAKRISHNAN: No objection, your Honor.

3 Thank you.

4 THE COURT: 979 will be full. You may publish
5 it.

6 (Government Exhibit 979 admitted in full.)

7 Q. Does this appear to be another signature page that
8 you were asked to sign by Raymour that day?

9 A. It appears like it's my signature, yes.

10 Q. Did you read through any of the language in
11 this -- on this page before you signed it?

12 A. No, I did not.

13 Q. Did Raymour read anything from this page to you
14 before you signed it?

15 A. No, he did not.

16 Q. This part here says that it's from a company with
17 the initials PALAC. Did Raymour say anything about a
18 company with those initials?

19 A. No, he did not. I don't know even know what is
20 that.

21 Q. Did he mention anything about a company called
22 Pacific Life?

23 A. No, he did not.

24 MR. VILKER: I want to show you now Exhibit 980,
25 and I ask that be moved full and published.

THE COURT: Any objection?

MR. LEPIZZERA: No objection.

MR. RADHAKRISHNAN: No objection. Thank you.

THE COURT: 980 will be full. You may publish

it.

(Government Exhibit 980 admitted in full.)

Q. Does this appear to be another blank signature page that you signed?

A. Yes.

Q. And did you read through anything on this page before you signed it?

A. No, I did not.

MR. VILKER: I'd like to show you Exhibit 981 and ask that that be moved full and published.

THE COURT: Any objection?

MR. LEPIZZERA: No objection.

MR. RADHAKRISHNAN: No objection, your Honor.

THE COURT: 981 will be full. You may publish it.

(Government Exhibit 981 admitted in full.)

Q. Does 981 appear to be another signature page that you signed that day?

A. Yes. It looks like my signature.

Q. Again, did you read through any of the fine print on this document before you signed it?

1 A. No, I did not.

2 Q. Did Raymour read it or explain to you what was on
3 this form?

4 A. No. He just explained that it was to let the one
5 he was working for, that he was giving me the charity
6 of the money. That's about it.

7 Q. So am I correct that your understanding when you
8 signed these forms was that they were needed for the
9 records of the person who was giving the money?

10 A. Yes. Just for the charity, to let him know that
11 he did give me the money.

12 MR. VILKER: Okay. Now, I want to bring up
13 Exhibit 972 and ask that that be moved full.

14 THE COURT: Any objection?

15 MR. LEPIZZERA: No objection.

16 MR. RADHAKRISHNAN: No objection, your Honor.

17 Thank you.

18 THE COURT: 972 will be full. You may publish
19 it.

20 (Government Exhibit 972 admitted in full.)

21 Q. Now, Mr. Rodriguez, this is a three-page document.
22 The first page is entitled "Agreement and
23 Acknowledgment."

24 Do you see any of your handwriting on this first
25 page?

1 A. No.

2 MR. VILKER: If we could turn to the second page
3 of this document.

4 Q. There's no handwriting on this page at all,
5 correct?

6 A. Yes.

7 MR. VILKER: Turn to the third page of this
8 document.

9 Q. Do you see your signature next to where it says
10 "Co-owner signature"?

11 A. Yes.

12 Q. And there's an X there?

13 A. Yes.

14 Q. Does that appear to be one of the pages that you
15 signed at Raymour's request?

16 A. Yeah. I believe so. Yes.

17 Q. When you signed this particular page, what did you
18 think this document was for?

19 A. It was just for charity and to let them know.

20 Q. Going back to the first page of this document,
21 when Raymour was with you, did he show you this first
22 page?

23 A. No. I have never seen that page.

24 Q. Prior to being shown this document by the
25 Government, you had never been shown this page?

1 A. No.

2 Q. Okay. Now, this first page starts out --

3 MR. VILKER: If you can just enlarge the first
4 paragraph there.

5 Q. It says that there's going to be a brokerage
6 account that's going to be opened between Joseph
7 Caramadre, who's identified as the funds provider, and
8 yourself, Edwin Rodriguez, as the co-owner.

9 What, if anything, did Raymour say to you about
10 opening up any kind of brokerage account?

11 A. He never said nothing about that.

12 Q. What, if anything, did he say about opening up any
13 kind of account in your name?

14 A. He never said anything about that.

15 Q. Did he say anything about -- did you have an
16 understanding of who Joseph Caramadre was?

17 A. Yes.

18 Q. What was your understanding?

19 A. That they just said that he was really generous,
20 had money, and he was just giving out money to the
21 people that were dying, in hospice. Just to help them
22 out.

23 Q. So you understood from Raymour that Mr. Caramadre
24 was the person that was giving out this money?

25 A. Yes.

1 Q. Did you have any understanding that, in addition
2 to giving out this money, that your name was going to
3 be put on some kind of account with Mr. Caramadre?

4 A. No.

5 Q. Now, paragraph number one says the funds provider,
6 who is identified as Mr. Caramadre, and the co-owner,
7 yourself, are joint tenants with right of survivorship
8 in the above-referenced brokerage account.

9 Did Mr. Radhakrishnan say anything about having
10 some kind of account with some kind of right of
11 survivorship?

12 A. No.

13 Q. Do you understand what a right of survivorship is?

14 A. No.

15 Q. Would you understand that if there's two people on
16 an account and one of them were to pass away that the
17 other one may be able to get the money in the account?

18 A. Yes. I understand that now.

19 Q. Well, did he say anything, whether he used that
20 term "right of survivorship" or not, anything that at
21 all suggested that Mr. Caramadre would be able to get
22 the full money in the account if you passed away?

23 A. No.

24 Q. Now, if you go down to paragraph four, it says,
25 the co-owner, which is yourself, may, but is not

1 obligated to, deposit funds in the account and direct
2 the broker to purchase certain securities with these
3 funds. Any securities purchased will be held in the
4 account.

5 Did Raymour say anything to you about there's
6 going to be some account and if you want to deposit
7 funds into it, you can go ahead and do that?

8 A. No.

9 MR. VILKER: If you could bring up paragraph
10 five.

11 Q. It says: As joint tenants, each of the funds
12 provider and the co-owner has the right without the
13 consent of the other to direct the broker to sell the
14 securities, to withdraw the securities or the cash
15 proceeds thereof from the account and to otherwise deal
16 with the account.

17 Did Raymour say anything to you along the lines
18 that there's going to be some account that's going to
19 be opened, money is going to be put in it; and if you
20 want to withdraw the money, you can go ahead and do so?

21 A. No, he did not.

22 Q. In fact, did he say anything to you at all about
23 any kind of account being opened in your name?

24 A. No.

25 Q. Paragraph number seven indicates that the

1 securities in the account may contain an optional
2 redemption feature, which provides that in the event of
3 one joint tenant's death, the surviving joint tenant is
4 allowed to sell the securities in the account back to
5 the issuer in exchange for the par value of the
6 securities plus accrued interest. In order to exercise
7 the option redemption feature, the funds provider and
8 the co-owner must be joint tenants with right of
9 survivorship in the account at the time of either
10 party's death. As a result of the optional redemption
11 feature, the securities could yield a substantial
12 profit for the funds provider if the co-owner dies
13 before the funds provider.

14 Now, do you understand what it is that I just
15 read to you?

16 A. Yes.

17 Q. I know it's a lot of legalese, but what's your
18 understanding of what it is that I just read?

19 A. I believe that if I died, they get the money, I
20 guess?

21 Q. Well, it indicates that there could be securities
22 purchased, and there could be a substantial profit to
23 Mr. Caramadre if you were to be the one who would die
24 before Mr. Caramadre.

25 Did Raymour say anything, whether in these words

1 or any other words, that indicated to you that
2 Mr. Caramadre stood to make a substantial profit upon
3 your death?

4 A. No. I would have never done that.

5 Q. Why wouldn't you have done this?

6 A. I have a daughter. Why would I give him my money
7 of death? I would never do that. I wouldn't have
8 never done that.

9 MR. VILKER: If you could turn to the next page,
10 please.

11 Q. I'm just going to read to you, I'm not going to go
12 through this whole agreement but paragraph number eight
13 says: Both the funds provider and the co-owner have
14 executed this agreement and acknowledgment and the
15 joint brokerage account agreement dated of even date
16 herewith freely and voluntarily without coercion,
17 undue influence or fraudulent inducement of any kind
18 and with full knowledge and understanding of the
19 contents. The funds provider and the co-owner have had
20 the opportunity to ask questions about the matters set
21 forth in these documents and to consult with an
22 attorney of their own choice.

23 Did you have an opportunity to have copies of
24 these documents and show them to an attorney or anybody
25 else that you wanted to show them to?

1 A. No.

2 Q. Did Mr. Radhakrishnan or Raymour give you copies
3 of the documents that you signed?

4 A. No.

5 Q. How much time would you estimate that you had with
6 these documents?

7 A. Probably 20 minutes just to sign them, things like
8 that. Ten, 20 minutes.

9 Q. If you can recall, as you had these documents in
10 front of you, what was happening? What was Raymour
11 saying to you as you were signing them?

12 A. He was just saying sign in this part; it's only to
13 let know the one that he was working with that he
14 didn't take the money. He gave me the money.

15 Q. And you just signed the various places where he
16 told you to sign?

17 A. Yes, I did.

18 MR. VILKER: Now, I'd like to show you now
19 Government Exhibit 973, and I'd ask that be admitted
20 full and published to the jury.

21 THE COURT: Any objection?

22 MR. LEPIZZERA: No objection.

23 MR. RADHAKRISHNAN: No objection, your Honor.

24 THE COURT: 973 will be full. You may publish
25 it.

(Government Exhibit 973 admitted in full.)

2 Q. Okay. Government Exhibit 973 is an account
3 application to open up a brokerage account at a company
4 called TD Ameritrade.

5 First of all, did Raymour say anything to you
6 about opening up any kind of brokerage account in your
7 name?

8 A. No, he did not.

9 Q. Did he say anything to you about a company called
10 TD Ameritrade?

11 A. No, he did not.

12 Q. Now, the co-owner -- the owner of the accounts in
13 this brokerage account is Joseph Caramadre and the
14 co-owner is yourself.

15 Again, did you have any understanding that you
16 would be a co-owner on any kind of account with
17 Mr. Caramadre?

18 A. No.

19 MR. VILKER: If you could go to the next page,
20 please.

21 Q. Do you see your signature at the bottom of this
22 document?

23 A. Yes.

24 MR. VILKER: If you can just magnify that,
25 please.

1 Q. So you see here where that's your signature, Edwin
2 Rodriguez?

3 A. Yes.

4 Q. And you see the signature above that, apparently
5 Joseph Caramadre?

6 A. Yes.

7 Q. Do you know if that was on the document at the
8 time that you signed it?

9 A. No. Nothing was on. He said he'll put the date.
10 That's about it. I just signed it.

11 Q. And did you read -- this has some language in
12 there. It says, "Account Agreement." Did you read any
13 of that language?

14 A. No, I did not.

15 Q. Did Raymour read it to you or say anything about
16 opening up any kind of account in your name?

17 A. No, he didn't.

18 Q. Now, next to your signature is a date 3/4/2008 and
19 next to Mr. Caramadre's signature is a date 3-4-2008.
20 Are either of those dates in your handwriting?

21 A. No.

22 MR. VILKER: Now I'd like to show you Exhibit
23 974, please. I would ask that that be moved full and
24 published.

25 THE COURT: Any objection?

1 MR. LEPIZZERA: No objection.

2 MR. RADHAKRISHNAN: No objection, your Honor.

3 THE COURT: 974 will be full. You may publish
4 it.

5 (Government Exhibit 974 admitted in full.)

6 Q. Do you see, I'll point to you on the screen, your
7 signature?

8 A. Yes, I do.

9 Q. There's an X next to that. Would this document
10 have been completed at the time you signed it, or would
11 it have been another one of these blank signature
12 pages?

13 A. No. It was blank.

14 Q. This document is entitled "Limited Trading
15 Authorization." And it provides that by signing it
16 below you, as a co-owner, are agreeing that there'll be
17 an authorized agent who can conduct transactions in
18 that account and that authorized agent would be Raymour
19 Radhakrishnan.

20 Did Mr. Radhakrishnan say anything to you about
21 I need you to sign a document that authorizes me to
22 make trades in the account that's going to be opened?

23 A. No.

24 Q. Did he spend any time explaining this form to you?

25 A. Who, Raymour?

1 Q. Yes.

2 A. No.

3 Q. Okay. Now, it says the account owner is Joseph
4 Caramadre. Have you ever met with Joseph Caramadre?

5 A. No, I did not.

6 Q. And your dealings in this case were solely with
7 Raymour Radhakrishnan?

8 A. Yes.

9 Q. Did you have any knowledge at the time that you
10 met with Raymour that any kind of financial product was
11 going to be purchased in your name?

12 A. No.

13 MR. VILKER: I'd like to show you now Government
14 Exhibit 975. I'd ask that that be moved full and
15 published for the jury.

16 MR. LEPIZZERA: No objection.

17 MR. RADHAKRISHNAN: No objection, your Honor.

18 THE COURT: 975 will be full. You may publish
19 it.

20 (Government Exhibit 975 admitted in full.)

21 Q. 975 is another Ameritrade form, and it's a
22 Margin/Options Account Upgrade form. The first page
23 provides information on the account owner,
24 Mr. Caramadre.

25 MR. VILKER: If you could turn to the second

1 page, please.

2 Q. And the second page has information about yourself
3 as the co-owner.

4 MR. VILKER: Turn to the third page.

5 Q. Does that appear to be your signature at the
6 bottom of this third page?

7 A. Yes, I believe so.

8 Q. And do you know if the form was -- the rest of the
9 form was completed at the time you signed it or if it
10 was blank?

11 A. No. It was just blank.

12 MR. VILKER: Turn to the next page please. If
13 we could magnify from "account co-owner" down.

14 Q. First of all, do you see your signature on this
15 page?

16 A. Yes.

17 Q. Now, this section asks some questions about the
18 account co-owner, this Ameritrade account, which is
19 you. The first question it asks is number of
20 dependents, zero.

21 Was that accurate that you had no dependents at
22 the time?

23 A. No.

24 Q. You have a daughter, right?

25 A. Yes. I have my daughter.

1 Q. Okay. The next box indicates, it says: Funds
2 available for options trading, and it's marked X and it
3 says \$50,000 plus.

4 My question is did you mark that box X?

5 A. No, I did not.

6 Q. Did you -- do you know if these boxes were already
7 marked in at the time that you signed the form?

8 A. No.

9 Q. You don't know one way or the other?

10 A. No.

11 Q. Is it true that you had at that time more than
12 \$50,000 available for options trading?

13 A. No.

14 Q. Did Raymour ask you anything about how much money
15 that you have and how much money you wanted to put into
16 this account?

17 A. No.

18 Q. Now, the next box over says -- the next category
19 over says years of investment experience, and it says
20 six through nine.

21 Did you mark that six through nine box?

22 A. No, I did not.

23 Q. Is that true, that you had six -- between six and
24 nine years of investment experience?

25 A. No.

1 Q. Do you have any investment experience?

2 A. No, I don't.

3 Q. Did Raymour even ask you if you had any investment
4 experience?

5 A. No, he did not.

6 Q. The next category over says, "Investment
7 Knowledge," and it's marked "Extensive." Would that be
8 an accurate description of your investment knowledge?

9 A. No.

10 Q. You don't have extensive investment knowledge?

11 A. No.

12 Q. The next category says, "Average Transaction
13 Size," and it says between \$2,001 and \$5,000. Am I
14 correct in assuming that that's not accurate?

15 A. No.

16 Q. I'm not correct or I am correct?

17 A. It looks like it but I didn't X it.

18 Q. I phrased that badly. My question is did you
19 conduct an average amount of transactions over the
20 years of between \$2,000 and \$5,000?

21 A. No.

22 Q. Okay. Going down to this row, it says that the
23 number of transactions a year that you conduct are
24 between 10 and 19.

25 Did you conduct between 10 and 19 stocks and

1 bonds and those type of transactions a year?

2 A. No, I did not.

3 Q. The next box says types of transactions that you
4 conduct, and it's marked that you conduct transactions
5 in stocks and bonds and options.

6 Is that true that you conduct these type of
7 transactions?

8 A. No.

9 Q. Do you even know what "options" is in the
10 financial sense?

11 A. No, not really.

12 Q. Then it says what are your investment objectives,
13 check all that apply. And it's checked growth, income
14 and conservation of capital.

15 Did you have any conversations with Raymour
16 about there's going to be some kind of account that's
17 going to be opened in your name, and we want to know
18 what your objectives are in this account?

19 A. No.

20 Q. And finally, it says what type of activity do you
21 plan to conduct in your options account, and it says
22 purchase options.

23 Again, did you have any discussion with Raymour
24 about options or purchasing options or what options
25 even were?

1 A. No, I did not.

2 THE COURT: Mr. Vilker, when you get to a good
3 break point, we can --

4 MR. VILKER: This is a good time.

5 THE COURT: This is a good time?

6 All right. Ladies and gentlemen, I think we'll
7 take our scheduled break at this time. So Charlie will
8 show you out, and you'll find a snack for you
9 downstairs in the jury room. We'll reconvene in about
10 30 minutes. Please keep in mind all of my
11 instructions.

12 (Proceedings out of the presence of the jury as
13 follows:)

14 THE COURT: Mr. Rodriguez, you'll be able to
15 step down and take a break during this time as well.

16 (Recess.)

17 (Proceedings in the presence of the jury as
18 follows:)

19 THE COURT: Welcome back, ladies and gentlemen.
20 Mr. Rodriguez will be back in in a moment, and we'll
21 get restarted.

22 (Discussion off the record.)

23 THE COURT: Welcome back, Mr. Rodriguez. And
24 once again, anything you need, just let me know. If
25 you need another break or anything, okay?

1 THE WITNESS: Thank you, your Honor.

2 THE COURT: You're welcome.

3 Mr. Vilker, you may proceed with your
4 examination.

5 MR. VILKER: Thank you.

6 Q. Mr. Rodriguez, I'd like to show you Government
7 Exhibit 14, please.

8 MR. VILKER: Move this full as a certified
9 business record.

10 THE COURT: Is there any objection?

11 MR. LEPIZZERA: Can we have a moment, your
12 Honor, because we weren't expecting this.

13 THE COURT: Yes.

14 (Pause.)

15 MR. LEPIZZERA: No objection.

16 MR. RADHAKRISHNAN: No objection, your Honor.
17 Thank you.

18 THE COURT: Thank you. Government 14 will be
19 full. You may publish it and inquire.

20 (Government Exhibit 14 admitted in full.)

21 Q. Mr. Rodriguez, are you able to see this document
22 in front of you?

23 A. Yes.

24 Q. This is a document that's titled "Summary of TD
25 Ameritrade Bond Holdings," and it's dated --

1 MR. THOMPSON: Sorry to interrupt. At least one
2 of the juror's screens -- it's been fixed. Thank you.

3 THE COURT: Usually if a screen goes off,
4 there's a high-tech solution to that, just turn it off
5 and turn it back on and usually that fixes the problem.
6 Okay?

7 Go ahead.

8 Q. This document is called "Summary of TD Ameritrade
9 Bond Holdings, 6/17/08." And the second line down,
10 I'll point to it for you, says JAC, Joseph Caramadre,
11 and Edwin Rodriguez, and its account number. It says
12 total deposits \$200,000, bond face value \$557,000.

13 Did you have any idea that \$200,000 was
14 deposited into an account with your name on it?

15 A. No.

16 Q. Did you have any idea that \$557,000 worth of bonds
17 were purchased in that account?

18 A. No.

19 Q. Did you have any idea that these bonds had a
20 death-put provision that would allow someone else to
21 profit upon your death?

22 A. No.

23 Q. Now, in addition to this account, what, if
24 anything, did Raymour say to you about any kind of
25 annuities being opened in your name?

1 A. He never said nothing like that.

2 Q. Could you speak a little closer to the microphone.

3 A. I'm sorry. He never said nothing like that.

4 Q. So you had no idea that any annuities would be
5 opened in your name?

6 A. No, he never told me that.

7 MR. VILKER: I'd like to show you Government
8 Exhibit 261 and ask that this be moved full and
9 published to the jury.

10 THE COURT: Is there any objection to 261?

11 MR. LEPIZZERA: No objection.

12 MR. RADHAKRISHNAN: No objection, your Honor.

13 THE COURT: All right. 261 will be full. You
14 may publish it to the jury.

15 (Government Exhibit 261 admitted in full.)

16 Q. Mr. Rodriguez, this is an application for a
17 company called Nationwide Life Insurance Company for an
18 annuity.

19 Did Raymour say anything to you about a company
20 called Nationwide?

21 A. No.

22 Q. Did he say anything to you about some annuity
23 being opened up using your name?

24 A. No. I didn't even know what's that. No.

25 Q. The owner of this annuity is a woman named Paula

1 Bizier. Do you have any idea who she is?

2 A. No. This is the first time I heard of --

3 Q. But did Raymour say anything about you being the
4 annuitant on some annuity that's going to owned by this
5 woman, Paula Bizier?

6 A. No.

7 Q. If you go down to your section, the section that
8 says "annuitant" with your name in it, and then it says
9 Social Security number and it's been redacted, the
10 first part of it, but the last four digits are 9634.
11 Is that your Social Security Number? Are those the
12 last four digits of your --

13 A. 9634, yes.

14 Q. Do you know how Raymour obtained your Social
15 Security number?

16 A. No. I really don't know. I don't know if he
17 asked me. Probably he did.

18 Q. Do you recall giving it to him, or you just can't
19 remember?

20 A. I think he asked me about it. That's about it.

21 Q. If you can turn to page three of this exhibit, it
22 indicates that there's a purchase payment of \$250,000
23 that was made with this annuity. Was anything close to
24 that dollar amount discussed with you?

25 A. No.

1 Q. In fact, was anything discussed with you
2 concerning money that would go into some annuity using
3 your name?

4 A. No.

5 Q. The next paragraph has a section on death
6 benefits.

7 A. Where?

8 Q. This, where it says "3a" here?

9 A. Okay.

10 Q. And it's marked that the person is electing the
11 highest anniversary enhanced death benefit option.

12 What, if anything, did Raymour say to you about
13 any kind of death benefits resulting from your death in
14 this or any annuity?

15 A. Nothing. He never said nothing like that.

16 MR. VILKER: If I could bring up Exhibit 262,
17 please. I would move that full.

18 MR. LEPIZZERA: No objection.

19 MR. RADHAKRISHNAN: No objection, your Honor.

20 THE COURT: 262 will be full. You may publish
21 it.

22 (Government Exhibit 262 admitted in full.)

23 Q. This is a check that accompanied that annuity by
24 Paula Bizier for \$250,000. Did you have any idea that
25 this amount of money would be sent into this annuity?

1 A. No.

2 MR. VILKER: Can I bring up Exhibit 263, please.

3 Move that full.

4 MR. LEPIZZERA: Also no objection, your Honor.

5 MR. RADHAKRISHNAN: No objection, your Honor.

6 THE COURT: 263 will be full. You may publish
7 it.

8 (Government Exhibit 263 admitted in full.)

9 Q. Mr. Rodriguez, this an additional check into that
10 annuity for 1.75 million.

11 Did you have any idea that such a huge amount of
12 money would be put into some annuity at Nationwide in
13 your name?

14 A. No.

15 MR. VILKER: Now I'd like to show you Exhibit
16 976. I'd move 976 full.

17 MR. LEPIZZERA: No objection.

18 MR. RADHAKRISHNAN: No objection, your Honor.

19 THE COURT: 976 will be full. You may publish
20 it.

21 (Government Exhibit 976 admitted in full.)

22 Q. 976 is entitled "Annuitant Acknowledgment Form."
23 And before I go through the first page, if you can just
24 turn to the second page.

25 Do you see next to the X your signature?

1 A. Yes.

2 Q. Okay. And was this one of the signature pages
3 that Mr. Radhakrishnan gave you to sign that day?

4 A. I believe so.

5 Q. Okay. And did he say anything to you when you
6 signed this form that your name would be used, your
7 Social Security number would be used on any kind of
8 annuity that was going to be opened?

9 A. No.

10 MR. VILKER: If we can go back to the first
11 page, please.

12 Q. The first page says that -- first of all, is the
13 writing, other than the initials on the left, is any of
14 the other writing on this page yours?

15 A. No. It was blank.

16 Q. So your memory is this form was blank?

17 A. Yes. I don't -- it was blank.

18 Q. But are those your initials that you wrote on that
19 page where it says "ER"?

20 A. Yes. He told me just to write the initials right
21 there.

22 Q. Did you read this document before you signed your
23 initials to it?

24 A. No. I was going to read "I understand" and
25 Raymour, I believe he said something like that I

1 understand that he gave me the money from the other --
2 who he was working for.

3 Q. But you initialed next to that because Raymour
4 told you that that was just saying that you understand
5 that you were getting this money?

6 A. Yes.

7 Q. Now, you said you had this first meeting with
8 Raymour. Did you meet with him again?

9 A. Yes, I did.

10 Q. Where did that meeting take place?

11 A. Where?

12 Q. Yes.

13 A. I was in New Bedford Nursing Home.

14 Q. And about how much after the first meeting did the
15 second meeting take place?

16 A. Because I seen him before that, anyways. I was in
17 the hospital, and he gave me \$250 I believe it was.

18 Q. So before the New Bedford Nursing Home, you were
19 in another hospital?

20 A. Yes. I was in the hospital, and I believe my
21 brother told him. I don't know if he went. I believe
22 it was for the funeral thing with my brother. I don't
23 know. But he gave me 250 --

24 Q. How did this second meeting in the hospital get
25 set up?

1 A. He just came in and visit and just said hi and
2 good luck, and he gave me \$250.

3 Q. Was that a check or cash?

4 A. No. Cash.

5 Q. Did he have you sign any other documents that day?

6 A. No.

7 Q. Did he say why he was giving you this \$250?

8 A. No. Just said, Good luck and here's some money.

9 Q. You said there was one final time that you met
10 with Raymour after that?

11 A. Yes.

12 Q. And where was that?

13 A. That was in New Bedford Nursing Home.

14 Q. Okay. And do you know how that meeting got set
15 up?

16 A. Yes. My brother called me saying that since I'm
17 still alive they wanted to help me out again with I
18 believe it was the funeral or something, if I died.
19 But my brother had to come because Raymour didn't know
20 how to get there.

21 Q. And what happened at this third meeting?

22 A. It was the same thing. I just signed a couple of
23 papers, and then he -- my brother was there, and my
24 brother's wife. And I signed the papers, and I believe
25 he gave me \$200 cash.

1 Q. Did he explain to you what these additional papers
2 were for?

3 A. He said it was like for the funeral, that they'll
4 pay my funeral when I pass away.

5 Q. Did he say anything in that meeting or in any
6 meeting about any kind of accounts or annuities that
7 would be opened in your name?

8 A. No.

9 MR. VILKER: Now, I want to show you Exhibit
10 982. And I'd ask that that be admitted full.

11 MR. LEPIZZERA: No objection.

12 MR. RADHAKRISHNAN: No objection, your Honor.

13 THE COURT: 982 will be full without objection.
14 You may publish it.

15 (Government Exhibit 982 admitted in full.)

16 Q. Now, Mr. Rodriguez, this is a check -- Melvin
17 Rodriguez is your brother?

18 A. Yes, he is.

19 Q. So this is a check that's written to your brother
20 by Mr. Caramadre dated March 7th of 2008. Did you know
21 at that time that your brother received this check?

22 A. No. Not at that time right there, no.

23 Q. When did you find out about that check?

24 A. When they said that they paid for the funeral, my
25 brother.

1 Q. Your brother told you that he had paid -- what did
2 your brother tell you about paying for the funeral?

3 A. He just said that they gave him some -- he was
4 going to pay for the funeral. That's about it.

5 Q. Do you know if that's, in fact, what your brother
6 did with some of this money?

7 A. Yes.

8 MR. VILKER: Can I bring up 983, please. Ask
9 that be moved full.

10 THE COURT: Any objection?

11 MR. LEPIZZERA: No objection.

12 MR. RADHAKRISHNAN: No objection, your Honor.

13 THE COURT: 983 will be full. You may publish
14 it.

15 (Government Exhibit 983 admitted in full.)

16 Q. This is a receipt for a funeral home in Warwick,
17 Rhode Island, dated March 7th, 2008, and that says:
18 Received from Edwin Rodriguez with Melvin Rodriguez,
19 \$2,000.

20 So that March 7, 2008, was the same day as the
21 check I just showed you and some cash.

22 What did your brother tell you about how he was
23 putting \$2,000 to this funeral home?

24 A. He just said he's going to the funeral. That's
25 about it, to the place. He went with a friend of his.

1 Q. Now, I showed you a bunch of documents in this
2 last hour that had your signature on them.

3 A. Yes.

4 Q. How much time would you say that you and Raymour
5 spent actually looking at the documents, going through
6 them before you signed them?

7 A. Probably like 15, 20 minutes only. I just had to
8 sign.

9 Q. Well, could you describe what the scene was like.
10 When you would sign these documents, where were you?

11 A. The first time?

12 Q. Yes. The first time when he came to your
13 apartment.

14 A. Yes. I was in my bed. He was talking with my
15 brother, and then he explained to me the same thing,
16 why he's giving the money, the charity, just in case
17 when I die, just to do something with the family.
18 That's about it.

19 Q. Did he give you -- how did he give you the
20 documents? Did he give you them one at a time or were
21 there a bunch of documents together?

22 A. They were all together, a couple of them. They
23 were just --

24 Q. What did he say when he gave you these bunch of
25 documents?

1 A. Just to sign to let know his partner know that
2 they gave me the money and it's for charity only. The
3 whole thing was signing that it was for charity.

4 Q. What, either in that meeting or in the other two
5 meetings with Raymour, what understanding, if any, did
6 you have that any kind of account or annuity would be
7 opened in your name?

8 A. Never. Nothing.

9 Q. I'm sorry. I didn't hear that.

10 A. Nothing. Never.

11 Q. What understanding, if any, did you have that
12 someone else stood to profit upon your death?

13 A. I did not have no knowledge about that.

14 MR. VILKER: I have no further questions, your
15 Honor.

16 THE COURT: Thank you, Mr. Vilker.

17 Are you in agreement that Mr. Radhakrishnan
18 should go first?

19 MR. LEPIZZERA: We are. We've worked that out,
20 your Honor.

21 THE COURT: All right. Mr. Radhakrishnan, you
22 may proceed with your cross-examination.

23 MR. RADHAKRISHNAN: Thank you, your Honor.

24 **CROSS-EXAMINATION BY MR. RADHAKRISHNAN**

25 Q. Good afternoon, Mr. Rodriguez.

1 A. Good afternoon.

2 Q. I wanted to start off by apologizing to you that
3 you had to be dragged here today. I know that this is
4 your second time having to testify.

5 MR. VILKER: Objection, your Honor.

6 Q. And I'm sorry about that.

7 A. That's fine.

8 THE COURT: Mr. Radhakrishnan, just ask
9 questions. Okay?

10 MR. RADHAKRISHNAN: Yes, your Honor.

11 Q. I'll be very brief.

12 Mr. Rodriguez, you had mentioned that you had a
13 relationship with Ms. Joanie Fortin.

14 A. Yes. She was the social worker.

15 Q. She was your social worker. Do you still
16 currently have a relationship with her?

17 A. No.

18 Q. You had testified that we first met in March of
19 2008, and you remember that meeting?

20 A. Yeah. Something like that. One of the dates.

21 Q. Okay. Do you remember your brother, Melvin, being
22 there?

23 A. In my apartment, yes.

24 Q. Are you still close to your brother, Melvin?

25 A. Yes, we are.

1 Q. At that time, you had testified that you were
2 having him cash your checks; is that correct?

3 A. Yes. Because I didn't have a bank account.

4 Q. Okay. And did you -- do you still have him cash
5 your checks?

6 A. No.

7 Q. So that was just in 2008?

8 A. Yes. Because I was in the hospital, I didn't open
9 an account.

10 Q. In 2009, then, as well, was he still cashing your
11 checks for you?

12 A. No.

13 Q. Okay. Your brother used to cash any checks you
14 received; is that correct?

15 A. Any cash that I received?

16 Q. If you were to receive any checks, he would cash
17 any and all of those checks; is that correct?

18 A. In that time, yes, but no, not --

19 Q. Back in 2008?

20 A. 2008, no. Just the ones that you gave me.

21 Q. So your brother would only cash the checks that I
22 gave you in 2008? He wouldn't cash anything else for
23 you?

24 A. No. I would just get that signed, pay the bills,
25 that's about it.

1 Q. How would you cash your SSI checks, then?

2 A. I had opened an account already and it was going
3 on deposit.

4 Q. Okay. Like a direct deposit?

5 A. Yeah. Like direct deposit after that happened.

6 Q. So bringing you back to that 2008 meeting, do you
7 remember me being polite?

8 A. Yes, you was.

9 Q. And very respectful to you?

10 A. Yes, you was.

11 Q. Okay. During that meeting in 2008, you signed
12 some papers; is that correct?

13 A. Yes, I did.

14 Q. Okay. And you also received some money at various
15 points in time; is that correct?

16 A. Yes. After that.

17 Q. Okay. What did you spend the money on?

18 A. I just bought my brother, I remember, a Blu -- he
19 wanted a Blu-Ray and bought some things for my
20 daughter, and that's about it.

21 Q. Okay. But it was useful to you?

22 A. Yeah. I just gave it to them, bought things for
23 them, and that's about it.

24 Q. Okay.

25 MR. RADHAKRISHNAN: If I could have Exhibit 973

1 pulled up, please. The next page, please.

2 Q. Mr. Rodriguez, if you look at that exhibit there
3 on the bottom, you had signed that document; is that
4 correct?

5 A. Yes. Seems like it, yes.

6 Q. And when you signed that document, was the words
7 "account co-owner" there?

8 A. I believe so, yes, they were.

9 Q. And right above that, there's a paragraph. It's
10 very, very small print, very fine print. And there's a
11 numerical number, I believe it's number 9 if I'm
12 reading correctly. And it says, "Account Agreement."
13 Was that there when you signed the document?

14 A. I believe so, but I didn't know nothing about it.

15 Q. Thank you.

16 MR. RADHAKRISHNAN: If we could go to the next
17 page, please.

18 Q. And Mr. Rodriguez, here again, we have, I believe,
19 your signature. There's an X and then you signed
20 there. Do you see that under "account co-owner"?

21 A. Yes, I see.

22 Q. Okay. And right at the top of the page, it says,
23 "Limited Trading Authorization." Were those words
24 there when you signed that document?

25 A. Yes, they were, probably.

1 Q. And then "account co-owner" right above your
2 signature, a couple of lines above, was that there when
3 you signed the document?

4 A. I believe so. I didn't read it but --

5 Q. Thank you.

6 MR. RADHAKRISHNAN: Can you please put up 975,
7 Ms. Anderson. Sorry. The next page, please. And one
8 more. Sorry. Thank you.

9 Q. And once again, same thing here, Mr. Rodriguez.
10 If you go ahead and see your signature there below?

11 A. Yes, I do.

12 Q. Was the words I believe this time it says,
13 "Account owner/authorized signatory" or "signature,"
14 was that there at the time you signed that document?

15 A. Yes, it had to be.

16 Q. Thank you for that. One moment, please.

17 You had mentioned that we had met a few times,
18 and it wasn't just that meeting inside March of 2008;
19 is that correct?

20 A. Yes. You went to the hospital. I seen you there.

21 Q. You remember me coming to meet with you at the
22 hospital in 2009; is that correct?

23 A. Yes, it was.

24 Q. And you mentioned that you might have signed some
25 additional documents in 2009 as well; is that correct?

1 A. Yes.

2 MR. RADHAKRISHNAN: Could you please pull up
3 Exhibit Number 977, please, Ms. Anderson.

4 Q. Mr. Rodriguez, you signed here below; is that
5 correct?

6 A. Yes. It looks like my signature, yes.

7 Q. Do you remember if you signed this -- do you
8 specifically remember if you signed this in 2008 or
9 2009?

10 A. I believe that was the second time, I think,
11 because I didn't read none of the papers.

12 MR. RADHAKRISHNAN: If you could please pull up
13 978, Ms. Anderson. Thank you.

14 Q. Mr. Rodriguez, then once again your signature is
15 here. Is that your signature?

16 A. Yes. Seems like it, yes.

17 Q. And do you believe you signed this in 2008 or
18 2009?

19 A. I don't know if -- it didn't have no date or
20 nothing so I don't know.

21 Q. Okay. That's fine.

22 Your brother -- you have a close relationship
23 with your brother or you had a close relationship with
24 your brother in 2008; is that correct, Mr. Rodriguez?

25 A. Yes.

1 Q. Did your brother ever tell you to sign the
2 documents? Did your brother ever tell you to sign the
3 documents that I was meeting with you about?

4 A. No. No.

5 Q. Okay. So you chose to sign the documents; is that
6 correct, Mr. Rodriguez?

7 A. Yes.

8 MR. RADHAKRISHNAN: Okay. Thank you very much
9 for your time. I really appreciate it.

10 THE WITNESS: You're welcome.

11 THE COURT: Thank you, Mr. Radhakrishnan.

12 Mr. Lepizzera.

13 MR. LEPIZZERA: Thank you.

14 **CROSS-EXAMINATION BY MR. LEPIZZERA**

15 Q. Good afternoon, Mr. Rodriguez. My name is Michael
16 Lepizzera. I represent Mr. Caramadre. I have a couple
17 of questions for you. Okay?

18 A. Okay. No problem.

19 Q. You did give Mr. Radhakrishnan your Social
20 Security number, didn't you?

21 A. I believe so. I don't really remember that, but I
22 believe so.

23 Q. You believe you did?

24 A. I believe I did, yes.

25 Q. And you testified that you met with

1 Mr. Radhakrishnan three times, correct?

2 A. Yes.

3 Q. Once at your house?

4 A. Yes.

5 Q. That would have been at 17 Euclid Avenue in
6 Warwick?

7 A. Yes.

8 Q. And the second time would have been in the
9 hospital?

10 A. Yes, it was a nursing home.

11 Q. The third time would have been in New Bedford?

12 A. Yes.

13 Q. Mr. Caramadre wasn't at any of those meetings, was
14 he?

15 A. No, he wasn't.

16 Q. And you testified that you signed a bunch of
17 documents you told the jury, correct?

18 A. Yes.

19 Q. The documents that you signed you went over with
20 Mr. Radhakrishnan, correct?

21 A. Yes, I did.

22 Q. Mr. Caramadre didn't go over those documents when
23 you signed them, correct?

24 A. No.

25 Q. Because Mr. Caramadre wasn't there, isn't that

1 correct?

2 A. Yes.

3 MR. LEPIZZERA: Thank you.

4 THE COURT: All right. Thank you,
5 Mr. Lepizzera.

6 Mr. Vilker, redirect?

7 MR. VILKER: No further questions.

8 THE COURT: Okay. Then thank you very much,
9 Mr. Rodriguez. That completes your testimony. So you
10 may step down. Thank you very much.

11 THE WITNESS: Thank you, your Honor.

12 THE COURT: Your next witness, Mr. Vilker.

13 MR. VILKER: My next witness is Kathleen Flori.

14 THE COURT: Good afternoon, Ms. Flori. You'll
15 be sworn by the clerk.

16 KATHLEEN FLORI, first having been duly sworn,
17 testified as follows:

18 THE CLERK: Please state your name and spell
19 your last name for the record.

20 THE WITNESS: Kathleen Flori, F-L-O-R-I.

21 THE COURT: You may inquire, Mr. Vilker.

22 DIRECT EXAMINATION BY MR. VILKER

23 Q. Good afternoon, Mrs. Flori.

24 A. Good afternoon.

25 Q. If you can do me a favor and just speak into the

1 microphone so everybody can hear you.

2 Mrs. Flori, what city do you live in?

3 A. Cranston.

4 Q. How long have you been a Rhode Islander?

5 A. Fifty-six years.

6 Q. And was your late husband named Dennis?

7 A. Yes.

8 Q. I'm going to ask you some questions about Dennis,
9 and before I do I want to offer you our condolences for
10 your loss.

11 When did your husband, Dennis, pass away?

12 A. April 26, 2008.

13 Q. And what was he suffering from at the time?

14 A. Bladder cancer.

15 Q. And for approximately how long had he been
16 suffering with bladder cancer?

17 A. He had surgery two years before, 2006; and they
18 thought they got it all, but he just kept getting
19 sicker and sicker. And they gave him two years to
20 live, but he just passed away in four months.

21 Q. They gave him two years to live at the end of
22 2007?

23 A. Yeah.

24 Q. And he passed away at the end of April of 2008?

25 A. Yes.

1 Q. Now, I want to turn your attention to the few
2 weeks before your husband passed away in April of 2008.

3 Was there a time during this period in which you
4 heard about some kind of program that was giving money
5 to people who were terminally ill.

6 A. Yes.

7 Q. And how did you hear about that?

8 A. Judy, she was the nurse that came every day.

9 Q. So Judy was a nurse. What did she tell you about
10 this program?

11 A. She just came in one day with a clipping from the
12 newspaper. And she found it and she was telling me
13 about it, and she said she would look into it for me.

14 Q. Did she show you the clipping from the newspaper?

15 A. Yes.

16 MR. VILKER: I want to bring up Exhibit 46 and
17 ask that that be moved into evidence.

18 THE COURT: Any objection?

19 MR. LEPIZZERA: Partial objection, your Honor.

20 THE COURT: To the --

21 MR. LEPIZZERA: To the entire page being shown.

22 MR. VILKER: This is how the page appeared to
23 people who read the paper.

24 THE COURT: I'll overrule the objection. I take
25 it, Mr. Radhakrishnan, you object as well?

1 MR. RADHAKRISHNAN: Yes, your Honor.

2 THE COURT: Your objection is noted. It's
3 overruled. You may publish the exhibit.

4 (Government Exhibit 46 admitted in full.)

5 Q. Exhibit 46 is a page from the Rhode Island
6 Catholic, and the bottom section of it is an
7 advertisement. Is this the advertisement that you were
8 shown by Judy?

9 A. Yes.

10 Q. And you read through this advertisement?

11 A. Yes. She just brought in that piece. She cut it
12 out and brought it in.

13 Q. Speak into the microphone, please.

14 A. Yes.

15 Q. When you read through this advertisement, what was
16 your understanding of what this money was supposed to
17 be for?

18 A. At first, I didn't believe it. And then she
19 talked more about it and told me about it. And it was
20 just mine to help out in the house.

21 Q. You say at first you didn't believe it?

22 A. No.

23 Q. Why didn't you believe it?

24 A. At the time I never heard of anybody just coming
25 up to you and giving you money. I wasn't brought up

1 that way.

2 Q. So you had some concerns when you first saw this
3 ad?

4 A. When I first saw it, I did. But then she was
5 talking to me about it and very nice guy, helps a lot
6 of people like Dennis and their families.

7 Q. There's a phone number on this ad. Did you call
8 the number on the ad?

9 A. No, I didn't. She did it all.

10 Q. Did she set up a meeting between someone from this
11 program and yourself?

12 A. To come to the house, yes.

13 Q. Who was it that came to the house?

14 A. The young guy, Raymour.

15 Q. And I don't know if you can see. Do you recognize
16 that young man there?

17 A. Yes. Right there sitting there.

18 Q. That was the person that came to your house?

19 A. Yes.

20 MR. VILKER: Your Honor, may the record reflect
21 that the witness has identified the Defendant, Raymour
22 Radhakrishnan.

23 THE COURT: The record will so reflect.

24 Q. So Raymour came to your house back in April 2008?

25 A. Yes.

1 Q. How many times did he come in total?

2 A. I want to say three.

3 Q. Okay. So let's talk about the first time.

4 A. All right.

5 Q. Who was there during this first meeting?

6 A. I think Judy was there, and me and my husband and
7 my children.

8 Q. Okay. So how many children do you have?

9 A. Three.

10 Q. And was one of these children Dennis, Jr?

11 A. Yes.

12 Q. Okay. And during that first meeting, what was
13 your husband's condition like?

14 A. He was in bed. He couldn't get up anymore. He
15 could -- like if I asked him if he needed any more pain
16 medication, he would moan to me and shake his head a
17 little. He couldn't speak that good anymore.

18 Q. Was he on a lot of medication at that point?

19 A. Yes.

20 Q. Was he having difficulty understanding what was
21 going on?

22 A. At that time, no. Only because when I said to
23 him: Do you need more medication, how do you feel, do
24 you want me to turn you, he would kind of moan and
25 shake his head a little. So I believe that he still

1 heard me. He still understood what I was saying.

2 Q. So during this first meeting, was your husband
3 able to participate in this conversation with Raymour?

4 A. No. We sat near him in the hospital bed.

5 Q. Okay. Where was the hospital bed located?

6 A. It was in my parlor.

7 Q. So in that room was your husband in the hospital
8 bed, Raymour, yourself and some of your children?

9 A. Yes.

10 Q. So what do you remember Raymour saying during that
11 first meeting?

12 A. There was a paper, which I don't remember the
13 paper but I knew we read it out loud. My son read it.
14 I think my son, I'm not sure, read it out loud to my
15 husband, and asked us to sign it, and he handed me a
16 check.

17 Q. Before I show you that piece of paper, did he
18 start out by saying why he was there?

19 A. Well, he said who he was, and like the ad said,
20 they helped people that were dying. And that was
21 basically it on the first meeting.

22 Q. I want to show you now Government Exhibit 175.

23 MR. VILKER: Actually, could you bring up 176
24 first. I would ask that that be moved full.

25 MR. LEPIZZERA: No objection.

1 MR. RADHAKRISHNAN: No objection, your Honor.

2 THE COURT: 176 will be full. You may publish
3 it.

4 (Government Exhibit 176 admitted in full.)

5 Q. 176 is entitled "Terminal Illness Philanthropy
6 Account Receipt." And does it have your signature at
7 the bottom?

8 A. Yes.

9 Q. Is that the document you were talking about that
10 Raymour had you sign that day?

11 A. I think it is.

12 Q. Again, you've got to speak into the microphone.

13 A. Yes, it is.

14 Q. So you remember this form being presented to you
15 by Raymour and him asking you to sign it?

16 A. Yes.

17 Q. This indicates essentially in the first paragraph
18 that: "I, Dennis Flori, acknowledge receipt of \$2,000
19 from the philanthropic program of Estate Planning
20 Resources."

21 So was that your understanding, that this was a
22 gift, this \$2,000?

23 A. Yes.

24 Q. Did Raymour actually give you a check that day as
25 well?

1 A. I think he did. I'm not sure if he came back with
2 it, but, yeah, I got it that day.

3 MR. VILKER: Can you bring up Exhibit 175,
4 please. Ask that this be moved full.

5 MR. LEPIZZERA: No objection.

6 MR. RADHAKRISHNAN: No objection, your Honor.

7 THE COURT: 175 will be full. You may publish
8 it.

9 (Government Exhibit 175 admitted in full.)

10 Q. Does this appear to be the \$2,000 check that you
11 received from Raymour on that day?

12 A. Yes.

13 Q. And it's dated it looks like either April 14th or
14 April 19th of 2008. It's hard to tell. Would that be
15 around the right time this happened?

16 A. Yes.

17 Q. And your husband ended up passing away April 26th,
18 a short time thereafter?

19 A. Yes.

20 Q. Now, did you -- the terminal illness receipt, the
21 document that I showed you before, did you receive a
22 copy of this document that you signed?

23 A. No, we received no copies of anything.

24 Q. Did you ask Raymour for a copy of the document?

25 A. I did ask him.

1 Q. What did he say when you asked him for a copy?

2 A. He said everything goes back in the vault locked
3 up.

4 Q. So he refused to give you a copy?

5 A. I guess, yes.

6 Q. Now, during this first meeting, what, if anything,
7 did Raymour say about any kind of accounts that would
8 be opened up in your husband's name?

9 A. He didn't say anything in that first meeting about
10 that.

11 Q. Did he say anything about what your husband would
12 need to do in exchange for getting any money during
13 that first meeting?

14 A. No.

15 Q. How did that first meeting end?

16 A. Like I said, I'm not sure if he handed me the
17 check then or came back and, good-bye, nice meeting
18 you, and that was that.

19 Q. Now, did there come a point in time in which you
20 had a second meeting with Raymour?

21 A. Yes.

22 Q. How did that second meeting come about?

23 A. Judy, again. I was having a hard time making ends
24 meet, worrying about the funeral and everything, and
25 she said, I can get you another \$2,000 from them.

1 Q. And did you call or did Judy call?

2 A. Judy called. And he came, Raymour came by. He
3 didn't come in that day. He knocked on the door and
4 handed me the check and left.

5 Q. Okay. And was there -- so there was a third
6 meeting then?

7 A. Yes.

8 Q. So skipping ahead to that third meeting then, did
9 Raymour come back to the house again?

10 A. Yes.

11 Q. Did he at that occasion have a document that he
12 wanted your husband to sign?

13 A. Yes.

14 Q. Okay. During this third meeting, what, if
15 anything, did Raymour say about any kind of account
16 that was going to be opened up?

17 A. He said to me, and my children were there, if
18 Dennis can live until Monday -- I'm sorry.

19 THE COURT: That's all right. Take your time.
20 If you need a glass of water, Kleenex, just don't --

21 A. We would set up an account --

22 Q. Just take a minute to relax.

23 A. I just want to do it. He said, We would set up an
24 account for the family. He said, And let's say we put
25 5,000 in the account and you use it, we will continue

1 to put that money back.

2 Q. So he told you that some account was going to be
3 opened up --

4 A. A bank account. Signed all the papers, took
5 Dennis's Social Security number and everything. And at
6 first I thought, well, this is too good to be true.
7 And he said to me, Your husband has to sign this paper.
8 And I looked over at him. He said, I don't care how
9 you get him to sign it; I'll be back in a half hour.

10 My son went over and talked to him, and he's
11 telling him, Dad, you got to sign this paper. He did
12 put his hand up and my son put the pen in his hand, and
13 he did help him sign his name.

14 Q. Was your husband able -- and I know this is very
15 painful for you, but was your husband able to
16 understand what was happening at that point?

17 A. I want to say a little bit because he did put his
18 hand up to take the pen, but he could not sign it on
19 his own.

20 Q. So your son, Dennis, Jr., went and helped sign?

21 A. Yes.

22 Q. Do you recall how many pieces of paper he signed?

23 A. You know, I think it was just that one.

24 Q. Okay. Did you look over that piece of paper
25 before your husband signed it?

1 A. You know, I think my daughter, Heidi, did because
2 I didn't quite understand it, and I think that she did.
3 And she said, Well, what he just told us, Ma, sounds
4 right. They're going to open up a bank account.

5 Q. You thought the money in that account would go to
6 help you?

7 A. Yes.

8 Q. He specifically mentioned that they put \$5,000 in
9 that account that you could use?

10 A. And I can use. And he said, If you use whatever,
11 and they would continue to keep it up to \$5,000.

12 Q. After your son, Dennis, Jr., helped your husband
13 sign that form, did Raymour come back?

14 A. He came back and got the papers, yes.

15 Q. So he came back, and he was given that piece of
16 paper that your husband signed?

17 A. Yes.

18 Q. And your husband ended up passing away just a few
19 days afterwards?

20 A. Yes.

21 MR. VILKER: Okay. I want to show you Exhibit
22 177. And ask that that be admitted full.

23 MR. LEPIZZERA: No objection.

24 MR. RADHAKRISHNAN: No objection, your Honor.

25 THE COURT: 177 will be full. You may publish

that.

(Government Exhibit 177 admitted in full.)

Q. Mrs. Flori, is this the second check that you got from Raymour?

A. This is the second one.

Q. It's dated April 28th?

A. 28th.

Q. Was that after your husband passed away?

A. He passed away on the 26th.

Q. Do you remember how it came about that you got this second check?

A. I think it was through Judy because I did call him Monday, Raymour, and told him that he passed away because he said if goes until Monday this account will be opened. We signed all the papers. But he passed away Saturday. So I did call him Monday and tell him that he passed away, thank you. And that was the end of it, I thought.

Q. What was your understanding at that point about whether that bank account --

A. That there wasn't going to be anything because he passed away Saturday.

Q. Now, when you received this check, did you notice that in the memo section it's written "Philanthropy - new account setup"?

1 A. You know, I think I do remember that. I remember
2 asking my daughter what that meant.

3 Q. And did you have any understanding of --

4 A. I didn't think anything else of it.

5 Q. Okay. Now, I want to show you Exhibit 178.

6 MR. VILKER: Ask for 178 to be admitted full.

7 MR. LEPIZZERA: No objection.

8 MR. RADHAKRISHNAN: No objection, your Honor.

9 THE COURT: 178 will be full. You may publish
10 it.

11 (Government Exhibit 178 admitted in full.)

12 Q. 178 is a three-page document called "Agreement and
13 Acknowledgment." And I'd like to just turn your
14 attention -- first of all, on this first page that
15 you're looking at, is any of the handwriting in that
16 either yours or your husband's or your son's?

17 A. No.

18 Q. If you could just turn to the second page, there's
19 obviously no handwriting on this page at all. If you
20 could turn to the third page, it says that this is
21 dated April 22nd, which would have been four days
22 before your husband passed away. And it says the funds
23 provider signature, and there's a signature of Joseph
24 Caramadre. And then it says co-owner's signature.
25 Does that appear to have been the document your husband

1 signed?

2 A. This is the one that Dennis helped him sign, yes.

3 Q. And how do you know that's the one that he helped
4 him sign?

5 A. Because I can see some of the -- my son, Dennis, I
6 can see some of his handwriting in there.

7 Q. Now, this is a three-page document. Do you know
8 whether you were provided with this just one page to
9 sign, or were you provided with the full three-page
10 document and told that he had to sign the third page?

11 A. You know, I don't honestly remember.

12 Q. Okay. So let me bring you back to the first page
13 of this document.

14 The first big paragraph says -- titled
15 "Brokerage Account," and it says there's an agreement
16 and acknowledgment made this 22nd day of April by and
17 between Joseph Caramadre and with an address, who's
18 identified as the funds provider and your husband,
19 Dennis, who's identified as the co-owner. And then
20 paragraph one says: The funds provider and the
21 co-owner are joint tenants with rights of survivorship
22 in the above-referenced brokerage account.

23 Did Raymour say anything to you about there
24 being some kind of brokerage account that was going to
25 be opened up?

1 A. No.

2 Q. Did he say anything about your husband, Dennis,
3 entering into an agreement with Joseph Caramadre to
4 open up some kind of account?

5 A. No.

6 Q. Or for that matter with anybody to open up some
7 kind of account?

8 A. Yes.

9 Q. You thought there was just going to be a bank
10 account?

11 A. A bank account.

12 Q. With your name on the bank account or your
13 husband's name?

14 A. My name.

15 Q. Now, if you go down to paragraph seven, I'll just
16 read from the part that starts with -- it says --
17 actually, let me start from the beginning so it makes
18 sense. It says: The securities in the account may
19 contain an optional redemption feature, which provides
20 that in the event of one joint tenant's death, the
21 surviving joint tenant is allowed to sell the
22 securities in the account back to the issuer in
23 exchange for the par value of the securities, plus
24 accrued interest. In order to exercise the optional
25 redemption feature, the funds provider and the co-owner

1 must be joint tenants with rights of survivorship in
2 the account at the time of either party's death. As a
3 result of the optional redemption feature, the
4 securities could yield a substantial profit for the
5 funds provider if the co-owner dies before the funds
6 provider.

7 So my question to you is -- first of all, do you
8 understand some of what I just said?

9 A. No. I'm sorry. I didn't understand it.

10 Q. I know it's a lot of legalese, but did Raymour say
11 something about something being purchased in an account
12 that could allow Mr. Caramadre to make a substantial
13 profit upon your husband, Dennis's, death?

14 A. No.

15 Q. Did you have any idea that what was going to
16 happen in this account or any other account was that
17 someone else stood to make money after your husband
18 passed away?

19 A. No.

20 MR. VILKER: Now, I'd like to show you Exhibit
21 179 and ask that that be moved full.

22 MR. LEPIZZERA: No objection.

23 MR. RADHAKRISHNAN: No objection, your Honor.

24 THE COURT: 179 will be full without objection.

25 (Government Exhibit 179 admitted in full.)

1 Q. Mrs. Flori, this is an account application with
2 Ameritrade for a brokerage account to be set up in the
3 names of the account owner being Joseph Caramadre and
4 the account co-owner being your husband, Dennis.

5 First of all, is any of the handwriting on this
6 page from anyone in your family?

7 A. No.

8 Q. The second part of this concerns the information
9 about your husband, Dennis.

10 MR. VILKER: If that could just be magnified.

11 Q. We've redacted some of the personal information,
12 but it indicates that he was born in the year 1950; is
13 that correct?

14 A. Yes.

15 Q. Would this have been information that you would
16 have provided to Raymour, his date of birth?

17 A. Yes.

18 Q. I don't know if you recognize it, does that appear
19 to be the last four digits of his Social Security
20 number?

21 A. Yes.

22 Q. And did you provide that information to Raymour?

23 A. Yes.

24 Q. And that address is your home address in Cranston?

25 A. Yes.

1 Q. Okay. What about -- that says work phone number,
2 941-9273. Do you recognize that number?

3 A. No.

4 Q. Was that your work phone number?

5 A. No.

6 Q. Or Dennis's number?

7 A. No. Dennis didn't work for years.

8 Q. Do you know what that number is?

9 A. No.

10 MR. VILKER: If you could please bring up
11 Exhibit 46 again.

12 Q. Do you see the phone number to call on the ad?

13 A. Oh, yes.

14 Q. Does that appear to be the same phone number
15 that's listed for your husband, the 941-9273?

16 A. Yes. The one I just looked at? Yes.

17 MR. VILKER: If you could go back to Exhibit
18 179.

19 Q. Again, was anything said during this meeting about
20 an Ameritrade account being opened up?

21 A. No.

22 MR. VILKER: If you could turn to page two of
23 this document and magnify the bottom section.

24 Q. Do you see where it says "account co-owner," and
25 there's a signature above the line right here?

1 A. Yes.

2 Q. Does that appear to be your husband, Dennis's,
3 signature?

4 A. No.

5 Q. And your memory is that your husband, Dennis,
6 signed one single piece of paper?

7 A. That was it, yes.

8 Q. With your son's assistance?

9 A. Yes.

10 Q. That's not one of the papers that was signed?

11 A. No.

12 Q. If you could turn to the next page of this
13 document, please.

14 Again, this is -- what about that signature?

15 A. No.

16 Q. That's not your husband's?

17 A. No.

18 Q. Now, above that where it says "account co-owner,"
19 it asks -- the account co-owner in this particular
20 account is your husband, Dennis, and asks a number of
21 questions. And there's a bunch of boxes that are
22 marked with Xs.

23 Did you or anyone in your family that you know
24 of fill out these boxes and mark the Xs?

25 A. No.

1 Q. The first one says "Funds Available for Options
2 Trading," and it says --

3 MR. VILKER: Just magnify the whole paragraph.

4 Q. It says, "Funds Available for Options Trading,"
5 and it says \$50,000 plus. Did you and your husband
6 have that kind of money?

7 A. No.

8 Q. Did Raymour -- did he ask you how much money you
9 have or anything about your assets?

10 A. No.

11 Q. The next box over says, "Years of Investment
12 Experience," and it says six through nine. Your
13 husband, was he an investor? Was he into buying stocks
14 and bonds and that kind of thing?

15 A. No.

16 Q. What did he do for a living?

17 A. He worked in the post office, and then he had odd
18 jobs before he really started to get sick with his
19 arthritis and everything, then he didn't work for a
20 good 20 years.

21 Q. He wasn't trading in the stock market or anything
22 like that?

23 A. No.

24 Q. The next one says investment knowledge is
25 extensive. The third box over. Did your husband have

1 extensive investment knowledge?

2 A. No.

3 Q. The next one over says average transaction size
4 between \$2,001 and \$5,000. Did your husband make
5 trades in the financial market of that size?

6 A. No.

7 Q. Was anything asked by Raymour about I want to get
8 some information about, you know, Dennis's investment
9 history or his experience, making trades in the stock
10 market or anything like that?

11 A. No.

12 Q. And if you go down to the row below that, it says
13 number of transactions per year, 10 through 19. Would
14 that have been accurate, that he engaged in that many
15 stocks and bonds, financial transactions?

16 A. No.

17 Q. And then it says type of transactions, stocks,
18 bonds and options. Would your husband have known what
19 an option is in a financial market?

20 A. I think he would have known what it was but --

21 Q. He wasn't engaged in those things?

22 A. No.

23 Q. And then there's a section on investment
24 objectives. It says growth, income, conservation of
25 capital.

1 Was anything discussed -- did Raymour say, like,
2 we want to know Dennis's or your, like, objectives
3 about what your goals are for this account?

4 A. No.

5 Q. Again, your understanding was that this was just a
6 bank account that \$5,000 was going to be put in for
7 your use?

8 A. Yes.

9 MR. VILKER: Okay. If you could bring up
10 Exhibit 180. Move that full.

11 MR. LEPIZZERA: No objection.

12 MR. RADHAKRISHNAN: No objection, your Honor.

13 THE COURT: 180 is full. You may publish it.
14 (Government Exhibit 180 admitted in full.)

15 Q. Mrs. Flori, this is a document, an Ameritrade
16 document called "Limited Trading Authorization."

17 MR. VILKER: At the top, if you magnify that
18 section. Thank you.

19 Q. Under account co-owner is the name Dennis Flori
20 and then there's a signature. Does that appear to be
21 your husband's signature?

22 A. No. That's his name, but he didn't write that.

23 Q. Again, the only document -- he signed one single
24 document that day?

25 A. Yes.

1 Q. Did Raymour say anything that he needs to get your
2 consent so that he is able to make trades on some
3 account?

4 A. No.

5 Q. Okay. Thank you.

6 MR. VILKER: Now if you could bring up again
7 Exhibit 14, which has already been admitted.

8 Q. This is a document that's entitled "Summary of TD
9 Ameritrade Holdings."

10 A. I see it.

11 Q. It says account, TD Ameritrade account with JAC,
12 which is Joseph Caramadre, and Dennis Flori, gives an
13 account number and it has \$350,000 in deposits and
14 \$1,089,000 of bonds that were purchased in the account.

15 Did you know that there was an account opened
16 that had this amount of money put into it?

17 A. No.

18 Q. Did Raymour say anything about bonds being
19 purchased in your husband's name?

20 A. No.

21 Q. Did he say anything that someone else, namely
22 Mr. Caramadre, stood to benefit by exercising death
23 options in these bonds?

24 A. No.

25 MR. VILKER: Now I want to show you Government

1 Exhibit 182 and ask that that be admitted full.

2 THE COURT: Is there any objection?

3 MR. LEPIZZERA: No objection.

4 MR. RADHAKRISHNAN: No objection, your Honor.

5 THE COURT: 182 will be full.

6 (Government Exhibit 182 admitted in full.)

7 Q. So Mrs. Flori, this is a letter from Joseph
8 Caramadre dated May 7th of 2008, so a couple of weeks
9 after your husband passed way. And it says, Dear Sir
10 or Madam: Please accept my request for redemption of
11 my General Motors bonds under the provision of the
12 survivor option available for each note. I am
13 requesting redemption of the following issues. And it
14 indicates a \$200,000 bond.

15 Again, did you have any knowledge that bonds
16 were purchased in your husband's name or that Joseph
17 Caramadre was seeking to redeem them?

18 A. No.

19 Q. The last page of this document is another letter
20 from Joseph Caramadre and it says: I own these bonds
21 with Dennis Flori as joint tenant with right of
22 survivorship. Dennis died on April 26th, 2008, as
23 evidenced by the enclosed death certificate."

24 So that term, "joint tenant with right of
25 survivorship," did Raymour say anything like that to

1 you?

2 A. No.

3 Q. And then it says, "As evidenced by the enclosed
4 death certificate."

5 Did Raymour or anyone from his office ever ask
6 you for a copy of your husband's death certificate?

7 A. No.

8 Q. Do you have any idea how they were able to get a
9 copy of your husband's death certificate?

10 A. How they were?

11 Q. Yes.

12 A. I understand that they went to city call.

13 Q. You understand that from documents the Government
14 showed you in preparation for your testimony?

15 A. Yes.

16 Q. But you didn't know that at the time?

17 A. No.

18 MR. VILKER: I'm going to show you then Exhibit
19 183 and ask that be moved full.

20 MR. LEPIZZERA: No objection.

21 MR. RADHAKRISHNAN: No objection, your Honor.

22 THE COURT: 183 will be full.

23 (Government Exhibit 183 admitted in full.)

24 Q. This is a letter from Joseph Caramadre dated May
25 6th, 2008, to Cranston City Hall. And he writes, "We

1 would like to obtain 27 copies of the death certificate
2 of Dennis Flori, who passed away on April 26th, 2008."

3 Did you have any idea that Mr. Caramadre was
4 going to Cranston City Hall to request death
5 certificates for your husband?

6 A. No.

7 MR. VILKER: Now, I want to show you now Exhibit
8 184 and ask that that be moved full.

9 MR. LEPIZZERA: No objection.

10 MR. RADHAKRISHNAN: No objection, your Honor.

11 THE COURT: 184 will be full. You may publish
12 it.

13 (Government Exhibit 184 admitted in full.)

14 Q. Mrs. Flori, this is the application that was
15 submitted to Cranston City Hall to obtain copies of
16 your husband's death certificate. The first part is
17 your husband's name, Dennis Flori, and his date of
18 death, April 26th in Cranston. And the second part
19 says: Complete one of the following. It says, I am
20 applying for the death record of, and the X is marked
21 my clients. I am an attorney representing Dennis
22 Flori. The name of the law firm is Estate Planning
23 Resources.

24 Was your husband ever represented by -- did he
25 ever have an attorney, Joseph Caramadre?

1 A. No.

2 Q. Did he ever have Estate Planning Resources as his
3 attorney?

4 A. No.

5 Q. Did he ever do any estate planning at that company
6 at all?

7 A. No.

8 Q. Section number 3, it says why do you need this
9 record. Then it says in parentheses, we ask this
10 question so that we can supply to you with a certified
11 copy that will be suitable for your needs. And then it
12 says: Other estate planning.

13 Again, did Mr. Caramadre or his law firm or
14 anyone at Estate Planning Resources do any kind of
15 estate planning for your husband or your family?

16 A. No.

17 MR. VILKER: I have no further questions, your
18 Honor.

19 THE COURT: Thank you.

20 Mr. Radhakrishnan.

21 **CROSS-EXAMINATION BY MR. RADHAKRISHNAN**

22 Q. Good afternoon, Mrs. Flori. Thank you for coming
23 in today. I'll be very brief.

24 You mentioned that we first met sometime in
25 2008?

1 A. Yes.

2 Q. And you remember that meeting?

3 A. Yes.

4 Q. And who, again, was present during that first
5 meeting?

6 A. Judy was there, I was there, and my kids were in
7 the house.

8 Q. Okay. And who are your kids again? Could you
9 list them for me, please.

10 A. Dennis, Heidi and Ashley.

11 Q. And all three of them were there, Dennis, Heidi
12 and Ashley?

13 A. They what?

14 Q. All three of them were there for that first
15 meeting?

16 A. Yes.

17 Q. Okay. Do you remember if that meeting was in the
18 morning or the afternoon?

19 A. I think it was late morning.

20 Q. Okay. Thank you. And your son, Dennis, Jr., was
21 definitely there?

22 A. Yes.

23 Q. And your husband was there, correct?

24 A. Yes.

25 Q. I was very respectful to your family?

1 A. Yes, you were.

2 Q. Polite and well-mannered?

3 A. Yes, you were.

4 Q. My mother taught me well?

5 A. Yes, she did.

6 Q. Thank you.

7 Then another meeting came about; is that
8 correct?

9 A. Yes.

10 Q. All right. And how long after that first meeting
11 did the second meeting occur?

12 A. A few weeks. I can't remember the date.

13 Q. Okay. And during that second meeting, I left you
14 some documents; is that correct?

15 A. No. The second meeting was when Judy called you
16 again, and you came to the door with another check.
17 You didn't come in the house that second meeting.

18 Q. Okay. So the first meeting --

19 A. You came in the house.

20 Q. Did you receive a check that very first meeting?

21 A. I think you came back with it, I want to say.

22 Q. Okay. I'm just trying to be clear here. So you
23 received a check during the first meeting?

24 A. Yes.

25 Q. Yes? And then did you receive a check during that

1 second meeting?

2 A. Yes. But you did not come in the house.

3 Q. Okay. And then was there a third meeting?

4 A. Yes.

5 Q. Okay. And did you receive a check at that third
6 meeting?

7 A. No.

8 Q. Okay. When I came in for that meeting, the third
9 meeting, did I leave you some papers? Is that correct?

10 A. You left me some papers, yes.

11 Q. Okay. And you mentioned you didn't know how many
12 papers it was, but some type of packet of papers; is
13 that correct?

14 A. Yeah.

15 Q. Okay. Do you remember me mentioning to you that I
16 may have had another appointment that day and I had to
17 run off?

18 A. No.

19 Q. Okay. So but I left you the papers, that's
20 correct?

21 A. Yes.

22 Q. And then I left the house; is that correct?

23 A. Yes.

24 Q. Okay. So I did leave the house? All right.

25 A. You left the house.

1 Q. And I did leave you with the papers, that's
2 correct?

3 A. You left me with the papers.

4 Q. Okay. And then do you remember if that third
5 meeting was in the morning or in the afternoon?

6 A. I think it was in the afternoon.

7 Q. Okay. And so then at some point in time, after I
8 initially dropped off the papers, I came and picked
9 those papers up; is that correct?

10 A. Came back a half hour later.

11 Q. Okay. And you're clear it was a half an hour?

12 A. Yes.

13 Q. Okay. So you had those papers for that half hour;
14 is that correct?

15 A. I had that one paper.

16 Q. Okay.

17 A. That Dennis had to sign.

18 Q. I have to back up then because you just mentioned
19 that there was a packet of papers originally.

20 A. Yes. There was a packet of papers when you sat
21 down at the table with me. And then you handed me the
22 paper that Dennis had to sign.

23 THE WITNESS: Can I speak?

24 THE COURT: Yes.

25 A. And your words were "Have him sign it any way you

1 can, and I will be back in a half hour."

2 Q. All right. Ms. Flori, just to be clear, I thought
3 you had just testified that I didn't come in the house
4 during that third meeting.

5 A. No. The second meeting you didn't come in the
6 house.

7 Q. Okay. That's fine. I just want to be clear. I'm
8 not trying to confuse you by any means. I'm just
9 trying to get clear here. Sorry about that. Okay.

10 You did receive some money so I guess you
11 received some money at some point, some time; is that
12 correct?

13 A. Yes.

14 Q. And what did you spend that money on?

15 A. It was mostly for Dennis. Got the flowers, his
16 outfit.

17 Q. So it was very useful for you?

18 A. Yes, it was.

19 Q. Very good. Okay.

20 And just to be clear, Mrs. Flori, I never forced
21 your husband to sign any documents, did I?

22 A. No, you didn't.

23 MR. RADHAKRISHNAN: Okay. Ms. Flori, I really
24 appreciate your time. Thank you.

25 THE WITNESS: You're welcome.

1 THE COURT: Thank you, Mr. Radhakrishnan.

2 Mr. Lepizzera?

3 MR. LEPIZZERA: Thank you, your Honor.

4 CROSS-EXAMINATION BY MR. LEPIZZERA

5 Q. Good afternoon, Mrs. Flori. I represent
6 Mr. Caramadre. I'll be brief.

7 MR. LEPIZZERA: Can we pull up, Ms. Anderson,
8 Exhibit 46, please.

9 Q. Mrs. Flori, you testified that Judy had showed you
10 that, correct?

11 A. The clipping. She cut out the clipping.

12 Q. Could you look in the left-hand corner,
13 Mrs. Flori, and take a look at the date.

14 A. Up on the top?

15 Q. Yes.

16 A. June 19th.

17 Q. It says, Thursday, June 19th, 2008, correct?

18 A. I'm going to say yes, but I can't see that small
19 print.

20 THE COURT: We can have it blown up.

21 Would you please blow it up.

22 A. Okay. Yes.

23 Q. You met with Mr. Radhakrishnan in April of 2008,
24 correct?

25 A. Mr. Who?

1 Q. Raymour?

2 A. Raymour. I'm sorry.

3 Q. I'll refer to him as Raymour if that's how you
4 know him.

5 A. Thank you.

6 Q. You met with Raymour two or three times, correct?

7 A. Yes.

8 Q. And all of those meetings were in April 2008?

9 A. Yes.

10 Q. Your husband passed away April 26, 2008?

11 A. Yes.

12 Q. And the first check that he gave you was April
13 14th, 2008, correct?

14 A. Yes.

15 Q. So Judy didn't show you this particular ad, did
16 she?

17 A. She cut it out of the paper and that's the ad that
18 I remember.

19 Q. Mrs. Flori, you also testified that --

20 MR. LEPIZZERA: If I could pull up Exhibit 178,
21 please.

22 Q. Do you see that, Mrs. Flori?

23 A. What do you want me to look at?

24 Q. Do you see it says, "Agreement Acknowledgment
25 Form"?

1 A. Yes.

2 Q. And on the third page, you testified that that's
3 the document that your husband signed with the help of
4 your son, correct?

5 A. Yes.

6 Q. Okay. I think you also testified that your
7 daughter, Heidi, read this particular document before
8 your husband signed the document, correct?

9 A. Yes. She looked it over.

10 Q. She looked it over?

11 A. Yes.

12 Q. And she said to you --

13 A. It sounds like -- I mean, we didn't understand it,
14 but it sounded like what he was saying, they'll open up
15 a bank account.

16 Q. And an account would be opened up, right?

17 A. Yes.

18 Q. And Mr. Vilker asked you some questions whether
19 you had the complete document or not. You agree that
20 your daughter read a document, correct?

21 A. Yes.

22 Q. She didn't just read this signature page, page
23 three, did she?

24 A. You know, I don't remember.

25 Q. Is there anything on that page three that says

1 anything about an account being opened up, just by
2 looking at that page?

3 A. I don't think so. No.

4 Q. And next to your husband's signature, it says
5 co-owner's signature; is that correct?

6 A. Yes.

7 MR. LEPIZZERA: Could you go back to page one,
8 please. If we could just blow up the first paragraph
9 where it says "Brokerage Account."

10 Q. Mrs. Flori, if you could quickly take a look at
11 this. It says on this agreement that Joseph Caramadre,
12 an individual with an address of 90 Beechwood Drive,
13 Cranston, Rhode Island, and he's defined as the funds
14 provider. Do you see that?

15 A. Yes.

16 Q. And then it also has your husband's name there,
17 Dennis Flori, right?

18 A. Yes.

19 Q. And it says with an individual with an address of
20 1415 New London Avenue, Cranston, Rhode Island,
21 correct?

22 A. Yes.

23 Q. That was your address back then, correct?

24 A. Yes.

25 Q. And it defines him as a co-owner, correct? It has

1 "co-owner" next to his name, correct?

2 A. Of the house you're talking about?

3 Q. No. Just this document refers to him as a
4 co-owner. Do you see that in this document?

5 A. Yes.

6 MR. LEPIZZERA: If we could go down to paragraph
7 six, please.

8 Q. Mr. Vilker went over paragraph five and paragraph
9 seven with you. I'd like to go over paragraph six with
10 you.

11 Do you see where it says: Assuming that there
12 will be no withdrawals from the account, upon the death
13 of either the funds provider, which as we just went
14 over is Mr. Caramadre, correct --

15 A. Yes.

16 Q. -- or the co-owner, which in this case was your
17 husband, Dennis, correct?

18 A. Yes.

19 Q. It says: The survivor will be entitled to the
20 account and all securities and cash in the account.

21 Do you see that?

22 A. Yes.

23 Q. Did Mr. Radhakrishnan explain that to you at all?

24 A. No.

25 Q. Did he tell you at all that if Mr. Flori dies or

1 your husband dies, I know this is difficult for you, if
2 your husband died, that Mr. Caramadre would get all the
3 money in the account? Did he explain that to you?

4 A. No.

5 Q. Did he explain to you that if Mr. Caramadre died
6 before your husband, that your husband would get all
7 the money in the account? Did he explain that to you?

8 A. No.

9 MR. LEPIZZERA: I have nothing further.

10 THE COURT: Mr. Vilker, any redirect?

11 MR. VILKER: I have a question or two.

12 REDIRECT EXAMINATION BY MR. VILKER

13 Q. Mrs. Flori, the attorney for Mr. Caramadre just
14 showed you that the top corner of that ad was from a
15 paper in June of 2008. That was obviously after your
16 husband passed away?

17 A. Yes.

18 Q. Could it be that you saw a copy of the ad from an
19 earlier edition of the paper?

20 A. Judy explained to me that that ad was in all the
21 time.

22 Q. So it could have been that it was the same ad that
23 you saw that was in a previous edition?

24 A. Yes.

25 MR. VILKER: I have nothing further.

1 THE COURT: Thank you. Any recross?

2 MR. LEPIZZERA: No, your Honor.

3 MR. RADHAKRISHNAN: No, your Honor, thank you.

4 THE COURT: All right. Mrs. Flori, your
5 testimony is complete. Thank you very much for being
6 here. You may step down.

7 Next witness.

8 MR. VILKER: United States calls Dennis Flori,
9 Jr.

10 DENNIS FLORI, JR., first having been duly sworn,
11 testified as follows:

12 THE CLERK: Please state your name and spell
13 your last name for the record.

14 THE WITNESS: Dennis Flori, F-L-O-R-I.

15 THE COURT: Good afternoon, Mr. Flori. You can
16 just scoot your chair up a little bit and speak into
17 the microphone. Thank you.

18 And you may inquire, Mr. Vilker.

19 MR. VILKER: Thank you, your Honor.

20 DIRECT EXAMINATION BY MR. VILKER

21 Q. Good afternoon, Mr. Flori.

22 Mr. Flori, was your late father also named
23 Dennis?

24 A. Yes.

25 Q. Okay. If you could just speak into the

1 microphone.

2 A. Yes.

3 Q. You're, in fact, Dennis, Jr?

4 A. Um-hum. (Affirmative.)

5 Q. You have to say yes or no.

6 A. Yes.

7 Q. And did your father pass away from cancer on April
8 26th of 2008?

9 A. Yes.

10 Q. Now, in the few weeks before your father passed
11 away, did you come to learn that there was some kind of
12 program out there that was giving money to people who
13 were terminally ill?

14 A. Yes.

15 Q. How did you learn that?

16 A. We had hospice for my father and we -- the nurse
17 that came to the house recommended it. She said she
18 had read it in the newspaper, and she recommended it.

19 Q. And did you attend two meetings with someone who
20 came from that program?

21 A. Yes.

22 Q. And do you remember that person's name?

23 A. Ray, something like that.

24 Q. If I said Raymour, does that sound familiar to
25 you?

1 A. Yeah.

2 Q. So I want to talk about these two meetings. The
3 first meeting, this was at the family home in Cranston?

4 A. (Witness nods head in the affirmative.)

5 Q. Again, you have to say yes for the record.

6 A. Yes.

7 Q. Who was there during that first meeting?

8 A. Who was there?

9 Q. Yes.

10 A. Me, my mother and Raymour.

11 Q. What do you remember Raymour saying during that
12 first meeting?

13 A. He said that he's a philanthropist and he had --
14 they helped people that were in hospice situations that
15 needed extra money, extra help, and that they donated
16 money to the families that needed it.

17 Q. Okay. So he was describing that he was part of
18 this program that helped people who were terminally
19 ill?

20 A. Yes.

21 Q. And did he give your family a \$2,000 check that
22 day?

23 A. Yes. Two thousand.

24 Q. Now, did there come a point in time when you
25 attended a second meeting in which Raymour was there?

1 A. Yes.

2 Q. Do you know how that second meeting got -- how
3 that came about?

4 A. I'm not sure who called who, but he came back to
5 the house and said that he could give some more money
6 with --

7 Q. Let me just stop you for a second. At the time of
8 this second meeting, was that pretty close to the end
9 of your father's life?

10 A. Yeah.

11 Q. What was his condition like at that time?

12 A. He was laying in the bed, couldn't move, couldn't
13 really do anything. He couldn't open his eyes too
14 much. He didn't know who was there. He couldn't talk.

15 Q. So during this second meeting, who do you recall
16 being there when Raymour came?

17 A. The same. Myself, my mother and Raymour.

18 Q. So what do you remember Raymour saying in that
19 second meeting about any other money that your family
20 could receive?

21 A. He said that he could give us some more money, I
22 think it was another two thousand. And then he
23 mentioned about an account that they could set up, him,
24 and that as long as my father lived until that Monday
25 that he could set up an account with \$5,000 in it and

1 said that every time we used it they could replenish
2 it.

3 Q. Your understanding is that this would be an
4 account that would be for your mother's benefit?

5 A. Yeah. Because we needed the money at the time.

6 Q. You needed the money because of the situation your
7 dad was in?

8 A. Yeah.

9 Q. Okay. Now, did Raymour have any documents with
10 him that he wanted your father to sign?

11 A. Yes. One.

12 Q. Do you recall it being one document?

13 A. Yeah. One signature, one document, yeah.

14 Q. Was your father able to sign his name by himself
15 that day?

16 A. No. We told him that, Raymour. And he told me
17 that it didn't matter how I got him to sign the paper,
18 that he would leave for half an hour and then come back
19 when we had it signed. So I told my father, even
20 though he probably couldn't hear me, I told him I'm
21 going to make you sign this, Dad, we need this. And I
22 took his hand and signed it with his hand.

23 Q. He was in a hospital bed?

24 A. Yeah.

25 Q. In your parlor there?

1 A. Yeah.

2 Q. So you actually put a pen in his hand?

3 A. Um-hum. (Affirmative.)

4 Q. How were you able to get the signature?

5 A. I helped him. I moved his hand.

6 Q. You helped move his hand?

7 A. Yeah.

8 Q. Had you ever done that before in your life?

9 A. No.

10 Q. Have you ever done that since?

11 A. No. Just once.

12 Q. So it's very clear to you that one and only one
13 time did you help your father sign his name?

14 A. Oh, yeah. Just once.

15 Q. Now, did you read the document that you were
16 helping your father sign his name to?

17 A. Yeah. I don't remember what it said.

18 Q. Do you recall if it was a single page? Was it a
19 signature page or was it a document that had multiple
20 pages?

21 A. It was more than one page, and then it had a
22 signature page to it.

23 Q. Okay. You don't recall what it was? What was
24 your understanding of the purpose of your father
25 signing this document?

1 A. They were going to set up an account with a
2 certain amount of money in it if he lived until that
3 Monday. And they would set up the account and we could
4 use it. And whatever we used, that they would
5 replenish it.

6 Q. I'm going to show you now Exhibit 178, which is
7 already admitted full. This is a three-page document.
8 If you could turn to the third page.

9 Does that signature on the third page appear to
10 be the one that you helped your father sign?

11 A. Yeah. I think so.

12 Q. Is it difficult because it's not his normal
13 signature?

14 A. Yeah. That's the problem. Yeah.

15 Q. So that looks like that's the one that you helped
16 him sign?

17 A. Yes.

18 Q. Okay. If you can turn to the front page of this
19 document. The first page of this says it's an
20 agreement and acknowledgment to open up a brokerage
21 account between Joseph Caramadre and your dad.

22 Did Raymour say anything about opening up some
23 kind of brokerage account with Joseph Caramadre?

24 A. No. Just the account I explained.

25 Q. Okay. And I'm not going to go through all this

1 again, but there's language in this agreement that says
2 that Joseph Caramadre may be able to make substantial
3 profits upon the death of your father.

4 Did Raymour say anything that would in any way
5 suggest that by your father signing this document that
6 Joseph Caramadre could make substantial profits from
7 his death?

8 A. No. He never mentioned him.

9 Q. Or anyone else? Did he say anyone else could make
10 money off your father's death?

11 A. No.

12 MR. VILKER: I want to show you now Exhibit 179,
13 which is an Ameritrade account application.

14 Q. Do you recall seeing this document at all?

15 A. No.

16 MR. VILKER: Okay. If you can turn to the next
17 page and magnify the bottom portion.

18 Q. Next to "Account Co-owner," does that appear to be
19 your father's signature?

20 A. No.

21 MR. VILKER: Okay. Go to the next page, please.

22 Q. Does that appear to be your father's signature?

23 A. No.

24 MR. VILKER: Okay. If we can pull up exhibit
25 180, just magnify the account co-owner.

1 Q. Does that appear to be your father's signature?

2 A. No.

3 MR. VILKER: Pull up Exhibit 181. That next
4 page, please. Next page.

5 Q. Does that appear to be your father's signature on
6 this Ameritrade form?

7 A. No.

8 MR. VILKER: The next page, please.

9 Q. Does that appear to be your father's signature?

10 A. No.

11 MR. VILKER: I have no further questions, your
12 Honor.

13 THE COURT: Thank you. Mr. Radhakrishnan.

14 MR. RADHAKRISHNAN: I have no questions for this
15 witness, your Honor.

16 THE COURT: Mr. Lepizzera.

17 MR. LEPIZZERA: Thank you.

18 **CROSS-EXAMINATION BY MR. LEPIZZERA**

19 Q. Good afternoon, Mr. Flori.

20 A. Good afternoon.

21 MR. LEPIZZERA: If we could bring up Exhibit
22 178, please, third page. Thank you.

23 Q. Mr. Flori, so you testified on direct examination
24 that this is the document that you helped your dad
25 sign, correct?

1 A. Yeah. To the best of my knowledge, yes.

2 Q. Okay. And I think you also testified that there
3 were a number of documents with this signature page,
4 correct?

5 A. Like one or two.

6 Q. Okay. So you weren't just handed a signature
7 page, correct? There were a number of documents with
8 this page, correct?

9 A. Yes.

10 MR. LEPIZZERA: Nothing further.

11 THE COURT: Any redirect?

12 MR. VILKER: No, your Honor.

13 THE COURT: Okay. Mr. Flori, your testimony is
14 complete. You may step down. Thank you very much.

15 Next witness.

16 MR. McADAMS: Your Honor, the Government calls
17 Ann Scuncio.

18 ANN SCUNCIO, first having been duly sworn,
19 testified as follows:

20 THE CLERK: Please state your name and spell
21 your last name for the record.

22 THE WITNESS: Ann Scuncio, S-C-U-N-C-I-O.

23 THE COURT: Good afternoon, Ms. Scuncio.

24 You may inquire, Mr. McAdams.

25 MR. McADAMS: Thank you, your Honor.

1 DIRECT EXAMINATION BY MR. McADAMS

2 Q. Good afternoon, Mrs. Scuncio.

3 A. Hello.

4 Q. Where are you from?

5 A. North Providence.

6 Q. How long have you been a resident of North
7 Providence?

8 A. Thirty-five years.

9 Q. Are you a life-long Rhode Islander?

10 A. Yes.

11 Q. Mrs. Scuncio, what do you do for a living?

12 A. I'm a homemaker.

13 Q. Homemaker. And are you married?

14 A. Yes.

15 Q. What's your husband's name?

16 A. Edward.

17 Q. His name is Edward Scuncio?

18 A. Yes.

19 Q. How long have you been married?

20 A. Fifty-seven years.

21 Q. Congratulations.

22 A. Thank you.

23 Q. Now, what was your maiden name?

24 A. Bernardo.

25 Q. Is your late mother Pia Bernardo?

1 A. Yes.

2 Q. Approximately when did your mother pass away?

3 A. Four years ago.

4 Q. Was it June 18th, 2008?

5 A. Yes.

6 Q. How old was she when she passed away?

7 A. Ninety-four.

8 Q. Now, how long had she been sick before she passed
9 away?

10 A. About two or three years.

11 Q. What was she suffering from?

12 A. Her esophagus, and then she ended up having a
13 stroke.

14 Q. And where was she living at the time in the period
15 leading up to her --

16 A. Mineral Spring Gardens on Mineral Spring Avenue.

17 Q. Did there come a point in time when she was
18 receiving some type of hospice care or anything of that
19 nature.

20 A. Not hospice but she had aids going in every day.

21 Q. Visiting nurses?

22 A. Visiting nurses.

23 Q. Now, was she also a life-long North Providence
24 resident?

25 A. Not really, no. Providence and North Providence.

1 Q. And what did she do during her lifetime?

2 A. Worked in a mill.

3 Q. Was she also a homemaker?

4 A. Homemaker.

5 Q. Now, were you the primary caregiver for your
6 mother during that time period?

7 A. Yes.

8 Q. Do you also have power of attorney for her?

9 A. Yes.

10 Q. Now, did there come a point in time when you
11 learned about an opportunity to receive some money on
12 behalf of your mother?

13 A. Yes, I did.

14 Q. How did that come about?

15 A. I went to make funeral arrangements for her, and
16 the undertaker said, Ann, I think your mom is entitled
17 to this \$2,000 because of her condition. And he showed
18 me the Providence Visitor, the ad that was in there.
19 And he gave me a copy, and I took it home and I called.

20 Q. So you had met with somebody at the funeral
21 parlor?

22 A. Yes. It was the funeral director.

23 Q. He pointed you to the ad in the Rhode Island
24 Catholic newspaper?

25 A. Yes.

1 MR. McADAMS: Could we have Government Exhibit
2 46, which is already in evidence.

3 Q. Do you recognize that?

4 A. Yes, I do.

5 Q. Does that appear to be the ad that you saw?

6 A. Yes.

7 Q. What was your understanding of what this program
8 was at the time you saw that ad?

9 A. She was terminally ill and she had no insurance,
10 so I looked into it and received a \$2,000 check.

11 Q. When you say you looked into it, what did you do?

12 A. I called the number.

13 Q. Who did you speak to?

14 A. The secretary, whoever answered. I don't know who
15 it was, but then a gentleman did come to my mother's
16 apartment.

17 Q. How many times did you end up meeting with this
18 gentleman?

19 A. I want to say two times.

20 Q. Do you happen to remember what his name was?

21 A. Raymour.

22 Q. Does Raymour Radhakrishnan --

23 A. Excuse me.

24 Q. Did he tell you his last name as well?

25 A. I'm sure he did.

1 Q. Do you recognize him in the courtroom today?

2 A. I see him there.

3 MR. McADAMS: Let the record reflect the
4 Defendant has been identified.

5 THE COURT: The record will so reflect.

6 MR. McADAMS: Thank you.

7 Q. Mrs. Scuncio, you indicated that you believe you
8 met with Raymour two times?

9 A. Yes.

10 Q. How far apart were these two meetings?

11 A. Within a couple of days, I would say.

12 Q. Let's focus on the first meeting. Where did it
13 take place?

14 A. Mineral Spring Gardens on Mineral Spring Avenue.

15 Q. That would be at the apartment where your mother
16 was living?

17 A. My mom's, right.

18 Q. You weren't living with her at that time?

19 A. No.

20 Q. And who was present for the meeting?

21 A. Just the two of us.

22 Q. Yourself and Raymour?

23 A. Yes.

24 Q. And was your mother present as well?

25 A. My mother was like in a semi-coma.

1 Q. So she was incapacitated?

2 A. Um-hum. (Affirmative.)

3 Q. First of all, how long did that first meeting
4 last?

5 A. I can't remember. Twenty minutes, probably.

6 Q. What do you remember Raymour saying at that
7 meeting?

8 A. He looked at my mom. She was in bed, and he said
9 she definitely qualified for the \$2,000.

10 Q. Did he say who was providing the \$2,000?

11 A. No. I had asked him. He said it was a
12 philanthropist, because I wanted to thank him for it.
13 He said no, he would thank him for me.

14 Q. So he didn't give you the name of the
15 philanthropist?

16 A. No.

17 Q. And did he give you any money at that meeting?

18 A. The \$2,000 check. No, maybe it was the second
19 time I saw him I got the check.

20 MR. McADAMS: Now, I'd like to show you
21 Government Exhibit 221, which I'd like to move as a
22 full exhibit.

23 MR. LEPIZZERA: No objection.

24 MR. RADHAKRISHNAN: No objection, your Honor.

25 THE COURT: 221 will be full. You may publish

1 it.

2 (Government Exhibit 221 admitted in full.)

3 Q. Mrs. Scuncio, these are notes, records in the
4 files of Estate Planning Resources. And is that your
5 handwriting on those notes?

6 A. No.

7 Q. Does that contain information regarding your
8 mother?

9 A. Name -- yeah.

10 Q. You see where it says Pia Addorado Bernardo?

11 A. Yeah.

12 Q. Was that her maiden name or her middle name?

13 A. They spelled it wrong, but it is her middle name.

14 Q. And that's the address that she was living at at
15 that time?

16 A. Correct.

17 Q. And it's redacted, but is that the year of her
18 date of birth, 1914?

19 A. Yes.

20 Q. Are those the last four numbers of her Social
21 Security number?

22 A. I don't remember that.

23 Q. Do you remember Raymour asking you for that
24 information?

25 A. I don't remember.

1 Q. Now, what, if anything, did Raymour say that you
2 needed to do or your mother needed to do in return for
3 the money that you were being given?

4 A. He said nothing.

5 Q. Did he say anything to you in that initial meeting
6 about opening up any type of account in your mother's
7 name?

8 A. No.

9 Q. Did you sign any documents at that first meeting?

10 A. I don't remember.

11 Q. Did you end up signing documents at some point?

12 A. I might have signed when I received the check.

13 Q. So you remember signing some type of receipt when
14 you received the check?

15 A. Um-hum. (Affirmative.)

16 Q. You're not sure whether you received the check at
17 the first meeting or a later point?

18 A. Had to be very close because I think my mother
19 died a day after the check was issued, or two days
20 after.

21 Q. So you indicated that second meeting took place
22 within a couple of days of the first one; is that
23 right?

24 A. (Witness nods head in the affirmative.)

25 Q. And how long did this second meeting take?

1 A. Ten, 15 minutes.

2 MR. McADAMS: I'd like to show you Government
3 Exhibit 219 and move that into evidence.

4 MR. LEPIZZERA: No objection.

5 MR. RADHAKRISHNAN: No objection, your Honor.

6 THE COURT: 219 will be full without objection.
7 You may publish it.

8 (Government Exhibit 219 admitted in full.)

9 Q. Do you recognize that?

10 A. Yes, I do.

11 Q. Is that the check for \$2,000?

12 A. Made out to me, right.

13 Q. And it was made out to you?

14 A. Right.

15 Q. And this was dated on it appears June 17th, 2008?

16 A. Correct.

17 Q. So that would have been the day before your mother
18 passed away?

19 A. Correct.

20 Q. Does that refresh your recollection as to when the
21 meeting took place?

22 A. That would be the day.

23 Q. That would be the second meeting?

24 A. Um-hum. (Affirmative.)

25 Q. Now, this second meeting, your mother obviously

1 was still unable to participate in the meeting?

2 A. Right.

3 Q. Now, the corner memo line of the check indicates
4 that it's philanthropy. Did you recognize that at the
5 time?

6 A. Yes.

7 Q. Was that consistent with your understanding of
8 what the money was for?

9 A. Yes.

10 MR. McADAMS: Can I bring up Government Exhibit
11 220, please, and move that as a full exhibit.

12 MR. LEPIZZERA: No objection.

13 MR. RADHAKRISHNAN: No objection, your Honor.

14 THE COURT: 220 will be full without objection.
15 You may publish it.

16 (Government Exhibit 220 admitted in full.)

17 Q. Do you recognize that?

18 A. I do. I signed it.

19 Q. At the bottom, you recognize that as your
20 signature?

21 A. Yes.

22 Q. And you had -- let me back up. It says Ann
23 Scuncio, "daughter" in parentheses, power of attorney.
24 Is that your handwriting as well?

25 A. No.

1 Q. Other than your signature, is any of the
2 handwriting on the document yours?

3 A. No.

4 Q. So you indicated that you had signed some type of
5 receipt when you received the check. And this
6 indicates that it's a terminal illness philanthropy
7 account receipt; is that correct?

8 A. Um-hum. (Affirmative.)

9 Q. Do you believe this is the document you signed at
10 the time?

11 A. Yeah. My signature is on it.

12 Q. Now, at that meeting, did Raymour ask you for
13 permission to open up any type of account in your
14 mother's name?

15 A. No.

16 Q. Did he ask you to sign any other documents on
17 behalf of your mother?

18 A. No.

19 MR. McADAMS: Now, I'd like to pull up
20 Government Exhibit number 222. And I'd like to move
21 that into evidence, please.

22 MR. LEPIZZERA: No objection.

23 MR. RADHAKRISHNAN: No objection, your Honor.
24 Thank you.

25 THE COURT: 222 will be full. You may publish

1 it.

2 (Government Exhibit 222 admitted in full.)

3 Q. Mrs. Scuncio, this is an Ameritrade account
4 application, and it identifies the account owner as
5 Joseph Caramadre and the account co-owner as Pia A.
6 Bernardo.

7 Did Raymour say anything to you about opening up
8 a joint brokerage account between Mr. Caramadre and
9 your mother?

10 A. No.

11 MR. McADAMS: Now, if you could highlight the
12 second section where it says account co-owner.

13 Q. Does that appear to be your mother's date of birth
14 and Social?

15 A. Social, I'm not sure of, but 4/17 was her date of
16 birth.

17 Q. Do you know if that was her correct maiden name,
18 your mother's maiden name?

19 A. Bernardo?

20 Q. If you look on the right, it says --

21 A. My mother's maiden name was Pezzullo.

22 Q. Your mother's maiden name was Pezzullo?

23 A. Yes.

24 Q. So you wouldn't have told somebody that your
25 mother's maiden name DelGennio?

1 A. No. That was my grandmother's maiden name.

2 Q. That was your grandmother's maiden name? So that
3 would have been your mother's mother's maiden name?

4 A. Yes.

5 Q. Do you remember telling that to Raymour?

6 A. No.

7 Q. Now, there's a number listed as a work number,
8 401-785-0286.

9 Did your mother have a work number at that time?

10 A. No.

11 Q. Are you familiar with that phone number in any
12 way?

13 A. No.

14 MR. McADAMS: Go to the next page.

15 Q. I'd like to go to the bottom section.

16 First of all, do you recognize this document?
17 Did Raymour show you an application document for
18 Ameritrade when he met with you?

19 A. I don't think so.

20 Q. You just remember signing the one document?

21 A. Um-hum. (Affirmative.)

22 Q. Okay. Does that appear to be your mother's
23 signature at the bottom underneath where it says Pia A.
24 Bernardo?

25 A. How could she sign it?

1 Q. Well, I'm asking you.

2 A. No.

3 Q. Did you sign your mother's name?

4 A. That looks something like my signature. It does.

5 Q. Would you sign your mother's name Pia A. Bernardo?

6 A. That was her name.

7 Q. Did you sign your mother's name for her?

8 A. I don't remember.

9 Q. Do you remember Mr. Raymour asking you to open up
10 some type of account and asking you to sign documents
11 on your mother's behalf to do that?

12 A. No.

13 MR. McADAMS: Can we go to the next page,
14 please.

15 Q. At the very bottom, again, there's a signature.

16 So you see where it says at the top of the page
17 it says "Options Account"?

18 A. (Witness nods head in the affirmative.)

19 Q. Did Raymour say anything to you about opening any
20 type of options account?

21 A. No, he didn't.

22 Q. Now, it says "Account co-owner." And that would
23 refer to your mother?

24 A. Um-hum. (Affirmative.)

25 Q. And there's a series of questions here that ask

1 about the account co-owner, and it says funds available
2 for options trading. Do you see that?

3 A. Yes.

4 Q. It's marked \$50,000 plus available. Do you
5 remember Raymour asking you whether you had money
6 available or your mother had money available for
7 investing?

8 A. No.

9 Q. Did your mother have \$50,000 available?

10 A. No.

11 Q. Did you?

12 A. No.

13 Q. The next question says years of investment
14 experience, and it's marked six to nine. Did he ask
15 you about your mother's investment experience?

16 A. No.

17 Q. Did she have any investment experience?

18 A. No.

19 Q. Now, the next one it says investment knowledge,
20 and it's marked extensive. Do you recognize that? Did
21 she have extensive investment knowledge?

22 A. No.

23 Q. And then it asks about average transaction size
24 and it says 2,001 to \$5,000. Did she engage in any
25 type of financial transactions like that?

1 A. No.

2 Q. Down below it says the number of transactions per
3 year, and it's indicated 10 to 19. Do you recognize
4 that?

5 A. No.

6 Q. Did she do any type of transactions like that?

7 A. No.

8 Q. All right. And then it says in the next category
9 types of transactions, stocks, bonds, options. Did she
10 engage in any type of transactions like that?

11 A. No.

12 Q. Did Raymour ask you any questions about her
13 financial history or background?

14 A. No.

15 Q. Do you recognize that signature?

16 First of all, did your mother sign that
17 document?

18 A. No, she didn't.

19 Q. Did you sign that document for your mother?

20 A. I don't think so.

21 MR. McADAMS: Can we go to the next page,
22 please. And the next page.

23 Q. This indicates that it is a limited trading
24 authorization and, again, there's a signature line.
25 Did you sign this for your mother?

1 A. No.

2 Q. Now, what this document does is it says by
3 signing -- by our signatures below, the account owners
4 and authorized agents agree to the provisions of this
5 document and attest that this authorization precedes
6 any prior trading authorization the account owner may
7 have executed with regard to the account.

8 So did Raymour say anything to you about we're
9 going to open some type of an account, and I need the
10 ability to make trades or I need you to authorize me to
11 conduct --

12 A. No, he didn't.

13 Q. Did he say anything about an account?

14 A. No.

15 MR. McADAMS: Let's go to the next page, please.

16 Q. I'd like to focus on the bottom portion of this.
17 It says, "Account Agreement." Do you see where it
18 says, "Account Owner"?

19 A. Yes.

20 Q. All right. What's the signature that's written
21 there?

22 A. Ann J. Bernardo.

23 Q. Is that your mother's name?

24 A. No. That was my maiden name.

25 Q. When was the last time you used your maiden name?

1 A. Fifty-seven years ago.

2 Q. Do you sign documents using your maiden name?

3 A. No, I don't.

4 Q. Did you sign this document using your maiden name?

5 A. No, I didn't.

6 Q. Any of the other handwriting on this page yours?

7 A. No.

8 MR. McADAMS: Could we go to the next page,
9 please.

10 Q. Now it's signed Pia Bernardo again. Did you sign
11 that?

12 A. No.

13 Q. Obviously, your mother was unable to sign any
14 documents at that point in time?

15 A. Correct.

16 Q. Did you receive any additional money from Raymour
17 after you met with him and he gave you that initial
18 \$2,000?

19 A. No, I didn't.

20 Q. Did he ask you to execute any other documents
21 apart from the receipt that you signed?

22 A. No.

23 Q. Did you have any other interaction with him after
24 your meeting with him?

25 A. No.

1 Q. Did you let him know that your mother had passed
2 away?

3 A. Yes, I did.

4 Q. How did you do that?

5 A. I called the office and told him that she had
6 passed away.

7 Q. What, if anything, did he say?

8 A. I didn't talk with him.

9 Q. Who did you speak to?

10 A. I just left word.

11 Q. You left a message on the machine?

12 A. Not on a machine. I spoke to the secretary.

13 Q. Did anybody tell you that an account had been
14 opened up in your mother's name?

15 A. No.

16 Q. Did you have any idea prior to being interviewed
17 by the Government that an account had been opened in
18 your mother's name?

19 A. No.

20 Q. Did you ever give Raymour or Mr. Caramadre any
21 consent to profit financially or otherwise from your
22 mother's dying?

23 A. No.

24 MR. McADAMS: No further questions.

25 THE COURT: Thank you.

1 Mr. Radhakrishnan?

2 MR. RADHAKRISHNAN: One moment, please, your
3 Honor.

4 (Pause.)

5 **CROSS-EXAMINATION BY MR. RADHAKRISHNAN**

6 Q. Good afternoon, Mrs. Scuncio.

7 A. Hello.

8 Q. Is that correct? Is it Mrs. Scuncio?

9 A. Scuncio.

10 Q. I'm sorry. Scuncio? Sorry about that. Thank you
11 for coming in today.

12 So you remember me coming in and meeting with
13 you?

14 A. Yes, I do.

15 Q. Okay. Do you remember me being respectful and
16 polite?

17 A. Extremely. Extremely polite and respectful.

18 Q. May I ask, do you have any siblings?

19 A. Yes.

20 Q. Okay. And who are those siblings, please?

21 A. Brother and a sister.

22 Q. What's your brother's name?

23 A. James Bernardo.

24 Q. When we first met, was there anybody else present
25 when we first met?

1 A. No family member. I think one of the CNA's might
2 have been in the room with my mom.

3 Q. Okay. And do you have a relationship with James
4 Bernardo, or do you communicate with your brother
5 often?

6 A. Yes. Yes.

7 MR. RADHAKRISHNAN: If I could please have
8 Exhibit Number 222, the TD Ameritrade application
9 pulled up, please. We can start with page one, please.
10 Sorry. If we could actually go to the next page.
11 We'll start here. Thank you.

12 Q. Ms. Bernardo -- excuse me, Ms. Bernardo.

13 Mrs. Scuncio, when you -- you testified here
14 that that's not your mother's signature; is that
15 correct?

16 A. Correct.

17 Q. And that's -- do you ever remember providing me
18 with a power of attorney that you had for your mother?
19 Actually, let me ask you this. Pardon me. Strike
20 that.

21 Do you have power of attorney for your mother?

22 A. Yes, I do.

23 Q. Okay. And could you describe what a power of
24 attorney is? What is a power of attorney?

25 A. Giving me the jurisdiction to make decisions for

1 my mom that she probably couldn't make.

2 Q. I'm sorry. Say that again. You could do what for
3 your mom?

4 A. Make decisions for her.

5 Q. You can make decisions for your mom because you're
6 authorized power of attorney; is that correct?

7 A. Right.

8 Q. Okay. At any point in time, did you provide me
9 with a power of attorney document?

10 A. No.

11 Q. Okay. But one does exist; is that correct?

12 A. Yes.

13 Q. Okay. And can you just describe that document?
14 Is that a short document, is it a long document, does
15 it have many pages?

16 A. Short document.

17 Q. Okay. And is it something that your mother signs
18 and you sign, or who signs off on that, and how do you
19 obtain a power of attorney?

20 A. A lawyer.

21 Q. Okay. And that's how you obtained your power of
22 attorney?

23 A. Yes.

24 MR. RADHAKRISHNAN: I'm sorry, Ms. Anderson.
25 Could you actually pull up Exhibit 220, please.

1 Q. Below there in the bottom right-hand corner,
2 that's your signature; is that correct?

3 A. Yes.

4 Q. Okay. And that's Ann Scuncio?

5 A. Yes.

6 Q. And below that, can you read what it says there?
7 I know it's not your handwriting.

8 A. Ann Scuncio, daughter.

9 Q. What's below that?

10 A. POA, power of attorney.

11 Q. So you believe that means power of attorney?

12 A. I would assume it does.

13 Q. Is that your handwriting there?

14 A. No.

15 Q. Okay. Is it possible that you told me you were
16 the power of attorney for your mother?

17 A. Possibly.

18 Q. All right. And that is your signature, Ann
19 Scuncio, there?

20 A. Yes.

21 Q. Okay. Thank you.

22 MR. RADHAKRISHNAN: Now, can we please go back
23 to 222, please. Thank you. All right. Could we go to
24 the next page, please.

25 Q. And you're saying that that's not your mother's

1 signature, that's correct?

2 A. Correct.

3 Q. Okay. And that's not you who signed that; is that
4 correct?

5 A. Correct.

6 MR. RADHAKRISHNAN: Could we go to the next
7 page. And again, please.

8 Q. And then right there in this limited trading
9 authorization form, there's an account co-owner and
10 below that, that's not your signature there? It says,
11 Pia A. Bernardo. It's not something that you signed on
12 behalf of your mother?

13 A. No, I didn't sign it.

14 MR. RADHAKRISHNAN: Could we go to the next
15 document, please. And the next one, please. And one
16 more, please.

17 Q. And then right down below here, that signature
18 there, it says Ann J. Bernardo. If you could look
19 closely at that "Ann," are you sure you didn't sign
20 that?

21 A. I'm positive I didn't. Why would I sign Ann J.
22 Bernardo?

23 Q. You didn't sign that?

24 A. No.

25 MR. RADHAKRISHNAN: Was there one more page

1 there?

2 Q. Okay. And then right there on that document,
3 that's not your signature?

4 A. No.

5 Q. Okay. You did receive some money; is that
6 correct?

7 A. Correct.

8 Q. What did you spend that money on, Ms. Scuncio?

9 A. To help bury my mom.

10 Q. It was useful to you?

11 A. Excuse me?

12 Q. The funds were useful to you? They provided you
13 value?

14 A. Yes, they did. Yes, they did.

15 MR. RADHAKRISHNAN: Thank you for your time.

16 Sorry you had to come in. Thank you.

17 THE COURT: Mr. Lepizzera?

18 MR. LEPIZZERA: No questions, your Honor.

19 THE COURT: Any follow-up, Mr. McAdams?

20 MR. McADAMS: No, your Honor.

21 THE COURT: Okay. Ms. Scuncio, your testimony
22 is complete. You may step down. Thank you very much.

23 Well, ladies and gentlemen, I think that should
24 do it for the day. I did want to finish this witness
25 so she didn't have to come back tomorrow. So we'll

1 call it a day. We'll reconvene tomorrow morning, nine
2 o'clock. Please keep in mind all of my prior
3 instructions to you, which I won't repeat again. Just
4 keep in mind particularly no discussion about the case
5 with anyone and no observation of any media accounts of
6 any kind. You know the drill.

7 So we'll see you tomorrow morning, nine o'clock
8 sharp. Thank you very much.

9 (Proceedings out of the presence of the jury as
10 follows:)

11 THE COURT: If there's nothing further, we'll be
12 adjourned for the day. See you tomorrow morning.

13 (Court concluded at 1:35 p.m.)

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C E R T I F I C A T I O N

I, Anne M. Clayton, RPR, do hereby certify
that the foregoing pages are a true and accurate
transcription of my stenographic notes in the
above-entitled case.

/s/ Anne M. Clayton

Anne M. Clayton, RPR

January 10, 2013

Date